

**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 10-17-08

Howard Aldridge

Signature

Howard Aldridge

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

*I don't understand or  
do I agree*

1  
2 **IN THE UNITED STATES DISTRICT COURT**  
3 **FOR THE DISTRICT OF NEVADA**

4 UNITED STATES OF AMERICA, )

5 Plaintiff, )

6 WALKER RIVER PAIUTE TRIBE, )

7 Plaintiff-Intervenor, )

8 vs. )

9 WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al., )

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

10 **NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE**

11 1. I hereby enter my appearance in this sub-proceeding in this case.

12 2. I am filing this document with the District Court at the following address:

13 Chief Deputy Clerk  
14 United States District Court for the  
District of Nevada  
15 400 South Virginia Street, Suite 301  
Reno, Nevada 89501

16 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of  
17 Summons, I am mailing a copy of this document to:

18 Susan L. Schneider  
19 Attorney for the United States of America  
United States Department of Justice  
20 Environment & Natural Resources Division  
P.O. Box 756  
21 Littleton, Colorado 80160

22 4. I (or the entity on whose behalf I am acting) will retain all defenses or objections  
23 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect  
24 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

25 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent  
26 me in these proceedings, I identify that attorney below, along with his or her mailing address,  
27 telephone number, facsimile number, and e-mail address:

1 Attorney:

2  
3 Address:

4  
5  
6 Phone Number:

7 Fax Number:

8 E-mail Address:

9  
10 PLEASE NOTE: Attorneys are reminded that they are required to comply with the  
electronic filing procedures of the U.S. District Court for District of Nevada.

11 "Attorneys who are admitted to the bar of this court, admitted to participate in a case pro  
12 hac vice, or who are authorized to represent the United States and its agencies, shall  
13 register as Filing Users of the System. Registration shall be in the form prescribed by the  
Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. Nev.,  
14 Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

15 I don't understand  
16 or do I agree

Howard Aldridge

(Signature)

Howard Aldridge

(Printed or typed Name)

22 \_\_\_\_\_  
(Entity, if any, on whose  
23 behalf you are appearing)

24 \_\_\_\_\_  
(Address)

25 \_\_\_\_\_  
(Telephone number)

**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

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Date: 10/17/2008

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: \_\_\_\_\_ of (Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

*Not sure of what I'm signing, but I told, requested that I must sign.*

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

**NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE**

1. I hereby enter my appearance in this sub-proceeding in this case.

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Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

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Summons, I am mailing a copy of this document to:

Susan L. Schneider  
Attorney for the United States of America  
United States Department of Justice  
Environment & Natural Resources Division  
P.O. Box 756  
Littleton, Colorado 80160

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me in these proceedings, I identify that attorney below, along with his or her mailing address,  
telephone number, facsimile number, and e-mail address:

Attorney:

Address:

Phone Number:

Fax Number:

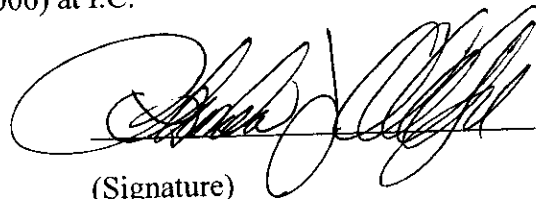
E-mail Address:

PLEASE NOTE: Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada.

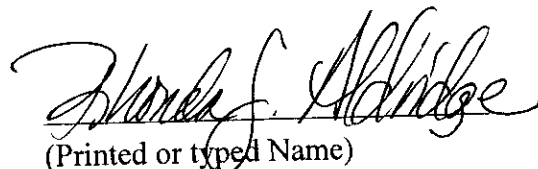
"Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

I don't understand  
any of this, but I am  
signing as requested  
without knowledge of  
what rights are being  
used.

And why for I property  
side, both me & my husband  
have the same papers to sign



(Signature)



(Printed or typed Name)

(Entity, if any, on whose  
behalf you are appearing)

(Address)

(Telephone number)



U.S. DEPT. OF JUSTICE  
ENV. & NAT. RES. DIV.  
DENVER, CO

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

2008 DEC 23 PM 12: 34

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

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Date: 12-19-08

Christina Rae Baker  
Signature

CHRISTINA RAE BAKER  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, )

Plaintiff, )

In Equity No. C-125-ECR

Subfile No. C-125-B

WALKER RIVER PAIUTE TRIBE, )

Plaintiff-Intervenor, )

**DISCLAIMER OF INTEREST IN  
WATER RIGHTS AND NOTICE OF  
RELATED INFORMATION AND  
DOCUMENTATION SUPPORTING  
DISCLAIMER**

v.

WALKER RIVER IRRIGATION )

DISTRICT, )

a corporation, et al., )

Defendants. )

The undersigned counter-defendant in the above action hereby notifies the Court and the United States that the undersigned (or the entity on whose behalf the undersigned is acting) has no interest in any water right within the categories set forth in Paragraph 3 of the *Case Management Order* (Apr. 18, 2000) and, therefore, disclaims all interest in this action.

This disclaimer and notice shall be sent to the following two persons:

Linda Lea Sharer, Chief Deputy Clerk  
United States District Court for the District of Nevada  
400 South Virginia Street, Suite 301  
Reno, NV 89501

And

Susan L. Schneider  
United States Department of Justice  
P.O. Box 756  
Littleton, CO 80160

In addition, because the undersigned sold or otherwise conveyed ownership of all of the



1 water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once  
2 owned before the undersigned was served with a Waiver of Service of Notice in Lieu of  
3 Summons or by a Notice in Lieu of Summons, the undersigned provides the following  
4 additional information:

5 1. The name and address of the party or parties who sold or otherwise conveyed  
6 ownership:

7 Name(s):

8  
9 Street or P.O. Box:

10  
11  
12 Town or City:

13  
14 State:

15  
16 Zip Code:

17 2. The name and address of each person or entity who acquired ownership

18  
19 Name(s):

20  
21  
22 Street or P.O. Box:

23  
24 Town or City:

25  
26 State:

27  
28 Zip Code:

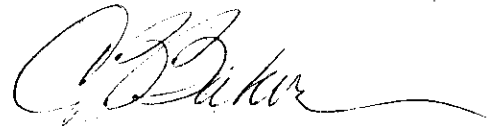
3. Attached to or included with this notice is a copy of the (check appropriate box(es)):

- ☐ Deed
- ☐ Court Order
- ☐ Other Document.

by which the change in ownership was accomplished.

4. The undersigned acknowledges that any person or entity who files a Disclaimer of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently, the undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but, in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of this litigation.

Executed this 19 day of December 2008



[signature of counter-defendant]

[name of counter-defendant]

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[name, if applicable, of person acting on  
behalf of counter-defendant]

[signature, if applicable, of person acting on  
behalf of Counter-Defendant]

[address]

[telephone number]

## WRIMS Query Report

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Application : A024860 [JShape Map - 250K] [JShape Map - 100K]  
Permit : 017062 Issued on JAN 27,1978  
License : 013134 Issued on MAR 27,1995

Primary Contact Owner : LAWRENCE E. BAKER  
Owner(s) : LAWRENCE E. BAKER, CHRISTINA R. BAKER  
Mail Receiver (Owner) : LAWRENCE E. BAKER

### Source & POD Information :

Water to be diverted from UNSP - (Stream Code: 601200989)  
Tributary to UNST thence WEST WALKER RIVER  
Maximum Direct Diversion from this source : 700 gallon/day  
Maximum Storage from this source per year : 0 ac-ft/annum  
POD IN NE Quarter of SW Quarter of Section 15, T08N, R23E, MM&B (Mono County)  
Direct Diversion from this POD : 700 gallon/day  
Total Annual Direct Diversion from this POD : 0.5 ac-ft/annum  
Diversion Storage from this POD : 0 ac-ft/annum

### Amount :

Maximum Application Direct Diversion : 700 gallon/day  
Maximum Annual Use : 0.5 acre-feet/ann

### Purpose of Use : Domestic

Diversion Season : March 1 to September 1

### License Image(s):

[Page 1](#)  
[Page 2](#)  
[Page 3](#)  
[Page 4](#)  
[Page 5](#)

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373 cv 00127

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

FILED ENTERED	RECEIVED SERVED ON COUNSEL/PARTIES OF RECORD
FEB 10 2009	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: <i>[Signature]</i>	DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.
2. I am filing this document with the District Court at the following address and as directed on the Notice In Lieu of Summons:

Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

3. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

4. If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, facsimile number, and e-mail address:

Attorney:

Address:

1 Phone Number:

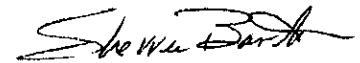
2 Fax Number:

3 E-mail Address:

4  
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6 electronic filing procedures of the U.S. District Court for District of Nevada.

7 "Attorneys who are admitted to the bar of this court, admitted to participate in a case pro  
8 hac vice, or who are authorized to represent the United States and its agencies, shall  
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10 the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D.  
11 Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

12  
13 (Signature)

14 

15 Sherrie Barron

16 (Printed or typed Name)

17  
18  
19 (Entity, if any, on whose  
20 behalf you are appearing)

21  
22 (Address)

23 (Telephone number)



Laverne Barton  
268 Sunset Hills Dr.  
Yerington, NV 89447

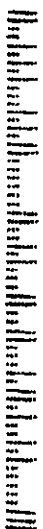
*for  
- Hills  
W 89447*

RENO NV 895

09 FEB 2008 PM 2 L

*Chief Deputy Clerk  
United States District  
for the District of  
400, South Virginia St  
Reno, NV 89501*

89501+2132



✓	RECEIVED
FILED	SERVED ON
COUNSEL PARTIES OF RECORD	
FEB - 3 2009	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

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Attorney:

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10 the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D.  
11 Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

12 David J. B...  
13 (Signature)

14  
15 DAVID J. B...  
16 (Printed or typed Name)

17  
18 DA  
19 (Entity, if any, on whose  
20 behalf you are appearing)

21 4210 DEL CORTO DR  
22 RENO NV 89523  
23 (Address)

24 775.742.7380  
25 (Telephone number)

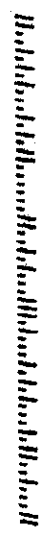
Box 5708  
DEMO, NJ 08013

REMO NY 895  
02 FEB 2009 PM 3 L



CHIEF DEPUTY CLERK  
US DISTRICT COURT  
400 S. VIRGINIA ST. #301  
DEMO, NJ 08001

95501+2195



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Printed/Typed Name

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(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

RECEIVED SERVED ON COUNSEL/PARTIES OF RECORD
DEC 15 2008
CLERK US DISTRICT COURT DISTRICT OF NEVADA
BY:  DEPUTY

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.
2. I am filing this document with the District Court at the following address and as directed on the Notice In Lieu of Summons:

Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

3. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

4. If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, facsimile number, and e-mail address:

Attorney:

Address:



1 Phone Number:

2 Fax Number:

3 E-mail Address:

4  
5 PLEASE NOTE: Attorneys are reminded that they are required to comply with the  
6 electronic filing procedures of the U.S. District Court for District of Nevada.

7 "Attorneys who are admitted to the bar of this court, admitted to participate in a case pro  
8 hac vice, or who are authorized to represent the United States and its agencies, shall  
9 register as Filing Users of the System. Registration shall be in the form prescribed by  
10 the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D.  
11 Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

12  
13 *Daniel E. Del Porto, Trustee*  
14 *Cheryl A. Del Porto, Trustee*

15 (Signature)

16 *Daniel E. Del Porto Trustee*  
17 *Cheryl A. Del Porto Trustee*

18 (Printed or typed Name)

19 *Daniel E. Cheryl A. Del Porto*  
20 *Family Trust*

21 (Entity, if any, on whose  
22 behalf you are appearing)

23 *155 N. Hwy 95A*  
24 *Yerington, Nevada 89447*  
25 (Address)

26 *(775) 463-3617*  
27 (Telephone number)

Mr. Danny E. Delportio  
Highway 95 # 155N  
Vernington, NV 89447

RENO NV 895  
12 DEC 2008 PM 3 L



Chief Deputy Clerk  
United States District Court  
for the District of Nevada  
400 South Virginia St, Suite 301  
Reno, Nevada

89501+2135

89501  
|||||

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

2009 JAN 26 AM 10:38

TO: Susan L. Schneider, attorney for the United States of America

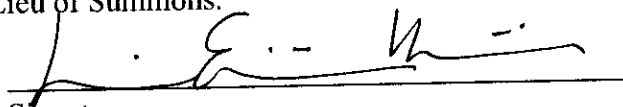
1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 1.20.09
  
Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: \_\_\_\_\_ of (Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

LORETTA E. TEE-MANTI

U.S. DEPT. OF JUSTICE  
ENV. & NAT. RES. DIV.  
DENVER, CO

**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

2009 JAN 12 AM 11:42

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: Jan 6, 2009

Signature BRETT A. EMERY

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: TRUSTEE of (Title)

BRETT A. EMERY REVOCABLE TRUST UTD 12/27/1999  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

U.S. DEPT. OF JUSTICE  
ENV. & NAT. RES. DIV.  
DENVER, CO

2009 JAN 12 AM 11:42  
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

1 UNITED STATES OF AMERICA,

2 Plaintiff,

3 WALKER RIVER PAIUTE TRIBE,

4 Plaintiff-Intervenor,

5 vs.

6 WALKER RIVER IRRIGATION DISTRICT,

7 a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

8 **NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE**

9 1. I hereby enter my appearance in this sub-proceeding in this case.

10 2. I am filing this document with the District Court at the following address:

11 Chief Deputy Clerk  
12 United States District Court for the  
13 District of Nevada  
14 400 South Virginia Street, Suite 301  
15 Reno, Nevada 89501

16 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of  
17 Summons, I am mailing a copy of this document to:

18 Susan L. Schneider  
19 Attorney for the United States of America  
20 United States Department of Justice  
21 Environment & Natural Resources Division  
22 P.O. Box 756  
23 Littleton, Colorado 80160

24 4. I (or the entity on whose behalf I am acting) will retain all defenses or objections  
25 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect  
26 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

27 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent  
28 me in these proceedings, I identify that attorney below, along with his or her mailing address,  
telephone number, facsimile number, and e-mail address:

1 Attorney:

2  
3 Address:

4  
5  
6 Phone Number:

7 Fax Number:

8 E-mail Address:

9  
10 **PLEASE NOTE:** Attorneys are reminded that they are required to comply with the  
11 electronic filing procedures of the U.S. District Court for District of Nevada.

12 "Attorneys who are admitted to the bar of this court, admitted to participate in a case pro  
13 hac vice, or who are authorized to represent the United States and its agencies, shall  
14 register as Filing Users of the System. Registration shall be in the form prescribed by the  
15 Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. Nev.,  
16 Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

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(Signature)

BRENT A. EMERY, TRUSTEE  
(Printed or typed Name)

BRENT A. EMERY REVOCABLE  
TRUST DTD 12/27/1999

(Entity, if any, on whose  
behalf you are appearing)

PO Box 750  
Bend, OR 97707  
(Address)

(Telephone number)



<input checked="checked" type="checkbox"/> FILED <input type="checkbox"/> ENTERED	<input type="checkbox"/> RECEIVED <input type="checkbox"/> SERVED ON COUNSEL/PARTIES OF RECORD
FEB 23 2009	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.
2. I am filing this document with the District Court at the following address and as directed on the Notice In Lieu of Summons:

Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

3. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

4. If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, facsimile number, and e-mail address:

Attorney:


Address:

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Phone Number:  
Fax Number:  
E-mail Address:

PLEASE NOTE: Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada.

"Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

  
(Signature)

Kathi Fulstone  
(Printed or typed Name)

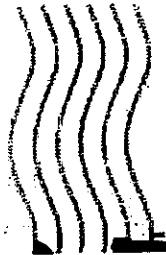
\_\_\_\_\_  
(Entity, if any, on whose  
behalf you are appearing)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone number)

Alstone  
2009 Touraine Parc Ln.  
Berkeley, CA  
95356

SACRAMENTO CA 957  
21 FEB 2009 PM 7:1



Chief Deputy Clerk  
U.S. District Court for the Dist. of Ne  
400 South Virginia St, Suite 301  
Reno, NV.  
89501

**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

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5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 2/5/08

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

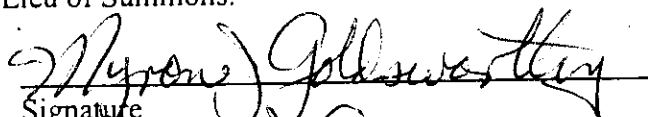
2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/5/08

  
Signature  
MYRON J. GOLDSWORTHY  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 6-17-08

William L. Morrison  
Signature

William L. Morrison  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: Managing Partner of  
(Title)

Great Escape Partnership  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.



FILED 12/11/2008	FILED 12/11/2008
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
DEC 11 2008	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY:	DEPUTY

12-10-08

Re: United States v. Walker River  
Irrigation District

Enclosing a signed copy of the Waiver of  
Service of Notice in Lieu of Summons,  
signed by me and mailed on 11-5-08.  
Maybe I should have signed it as

Mary A. Hartman Family Trust  
Mary A. Hartman Trustee

103 Jugs Circle

Yerington NV. 89447

It might have been lost in the mail  
or misfiled, but I did sign it and mailed  
it on 11-5-08.

Mary A. Hartman

Copy mailed to: Linda Lea Sharer Chief Deputy Clerk  
United State District Court for the District  
400 So. Virginia St. Suite 3010 of Nevada  
Reno, NV. 89501

Copy mailed to: Susan L. Schneider  
United States Department of Justice  
P.O. Box 756 Littleton Co. 80160

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 11-5-08

Mary A. Hartman

Signature

MARY A. HARTMAN

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

Hartman  
103 Jugs Cir  
Yerington NV 89447

RENO NV 895  
RD 0000 BOX 100 21

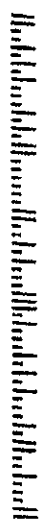


Florida Sea Shores. Chief Deputy Clerk  
United States District Court for the District of  
Florida

400 South Virginia Street Suite 301

Reno, NV. 89501

89501+2135



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.
2. I am filing this document with the District Court at the following address and as directed on the Notice In Lieu of Summons:

Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

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4. If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, facsimile number, and e-mail address:

Attorney: Michael F. Mackedon

Address: 179 South LaVerne Street  
P.O. Box 1203  
Fallon, NV 89407

1 Phone Number: (775) 423-2106

2 Fax Number: (775) 423-3550

3 E-mail Address: falonlaw@phonewave.net

4  
5 PLEASE NOTE: Attorneys are reminded that they are required to comply with the  
6 electronic filing procedures of the U.S. District Court for District of Nevada.

7 "Attorneys who are admitted to the bar of this court, admitted to participate in a case pro  
8 hac vice, or who are authorized to represent the United States and its agencies, shall  
9 register as Filing Users of the System. Registration shall be in the form prescribed by  
10 the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D.  
11 Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

12 *Arlene M. Hoferer*  
13 (Signature)

14  
15 Arlene Hoferer  
16 (Printed or typed Name)

17  
18  
19 (Entity, if any, on whose  
20 behalf you are appearing)

21 P.O. Box 2084

22 Hawthorne, NV 89415

23 (Address)

24 (775) 945-5030

25 (Telephone number)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

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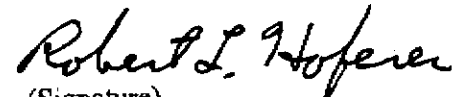
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2 Fax Number: (775) 423-3550

3 E-mail Address: falonlaw@phonewave.net

4  
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11 Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

12   
13 (Signature)

14  
15 Robert Hoferer

16 (Printed or typed Name)

17  
18 (Entity, if any, on whose  
19 behalf you are appearing)

20 P.O. Box 2084

21 Hawthorne, NV 89415

22 (Address)

23 (775) 945-5030

24 (Telephone number)

U.S. DEPT. OF JUSTICE  
ENV. & NAT. RES. DIV.  
DENVER, CO

2009 JAN 12 AM 11:43

**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

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3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

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Date: 1/5/09

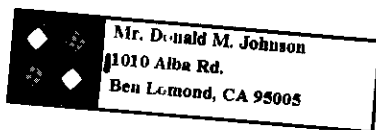
Signature

Donald M. Johnson

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: \_\_\_\_\_ of (Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)



**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.



<input checked="" type="checkbox"/> FILED <input type="checkbox"/> ENTERED	<input type="checkbox"/> RECEIVED <input type="checkbox"/> SERVED ON COUNSEL/PARTIES OF RECORD
MAR 10 2009	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

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2. I am filing this document with the District Court at the following address and as directed on the Notice In Lieu of Summons:

Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

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Attorney:

Address:

1 Phone Number:

2 Fax Number:

3 E-mail Address:

4  
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8 hac vice, or who are authorized to represent the United States and its agencies, shall  
9 register as Filing Users of the System. Registration shall be in the form prescribed by  
10 the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D.  
11 Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

12  
13 (Signature)

*Arena F. Lewis Trustee*

14  
15 ARENA F. LEWIS  
16 (Printed or typed Name)

17 *Arena F. Lewis*  
18 TRUST

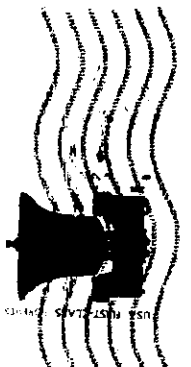
19 (Entity, if any, on whose  
20 behalf you are appearing)

21 Box 642  
22 Yerington, NV 89447  
23 (Address)

24 775-463-2026  
25 (Telephone number)

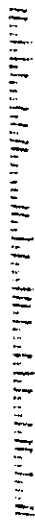
Arena F Lewis  
PO Box 642  
Yerington, NV 89447

RENO NV 895  
09 MAR 2009 PM 1 L



Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia St, Suite 301  
Reno, NV 89501

43501+2135



U.S. DEPT. OF JUSTICE  
ENV. & NAT. RES. DIV.  
DENVER, CO

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

2009 JAN 26 AM 10:37

TO: Susan L. Schneider, attorney for the United States of America

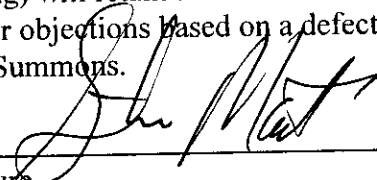
1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

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3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 1-20-09Signature 

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: \_\_\_\_\_ of (Title)

(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

STEVE MACTI

FILED ENTERED	RECEIVED SERVED ON COUNSEL/PARTIES OF RECORD
FEB 23 2009	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,  
Plaintiff,

WALKER RIVER PAIUTE TRIBE,  
Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125  
SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.
2. I am filing this document with the District Court at the following address and as directed on the Notice in Lieu of Summons:

Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

3. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

4. If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, facsimile number, and e-mail address:

Attorney:

Address:

1 Phone Number:

2 Fax Number:

3 E-mail Address:

4  
5 PLEASE NOTE: Attorneys are reminded that they are required to comply with the  
6 electronic filing procedures of the U.S. District Court for District of Nevada.

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8 hac vice, or who are authorized to represent the United States and its agencies, shall  
9 register as Filing Users of the System. Registration shall be in the form prescribed by  
10 the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D.  
11 Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

12 Darrell E Purcell  
13 (Signature)

14  
15 Darrell E Purcell  
16 (Printed or typed Name)

17  
18 New-Hall Daniel Ditch Co. Inc  
19 (Entity, if any, on whose  
20 behalf you are appearing)

21 42 McKenzie Ln  
22 Yerington, NV 89497  
23 (Address)

24 775-463-4900  
25 (Telephone number)

Hall-Daniel Ditch Co. Inc  
MacKenzie Ln  
Beverlyton, NV 89447

RENO NV 895  
20 FEB 2009 PM 2 L



Chief Deputy Clerk  
United States District Court For The  
District of Nevada  
400 South Virginia St., Suite 301  
Reno, NV 89501

U.S. DISTRICT COURT  
ENV. & NAT. RES. DIV.  
DENVER, CO

07 DEC 10 PM 12:50

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA. )

Plaintiff. )

In Equity No. C-125-ECR

Subfile No. C-125-B

WALKER RIVER PAIUTE TRIBE. )

Plaintiff-Intervenor. )

DISCLAIMER OF INTEREST IN  
WATER RIGHTS AND NOTICE OF  
RELATED INFORMATION AND  
DOCUMENTATION SUPPORTING  
DISCLAIMER

v. )

WALKER RIVER IRRIGATION  
DISTRICT. )

a corporation, et al.. )

Defendants. )

The undersigned counter-defendant in the above action hereby notifies the Court and the United States that the undersigned (or the entity on whose behalf the undersigned is acting) has no interest in any water right within the categories set forth in Paragraph 3 of the *Case Management Order* (Apr. 18, 2000) and, therefore, disclaims all interest in this action.

This disclaimer and notice shall be sent to the following two persons:

Linda Lea Sharer, Chief Deputy Clerk  
United States District Court for the District of Nevada  
400 South Virginia Street, Suite 301  
Reno, NV 89501

Susan L. Schneider, Trial Attorney  
U. S. Department of Justice  
Environment and Natural Resources Div.  
1961 Stout Street, 8th Floor  
Denver, Colorado 80294

~~In addition, because the undersigned sold or otherwise conveyed ownership of all of the~~

~~DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 1 of 4~~



3. Attached to or included with this notice is a copy of the (check appropriate box(es)):

- ☐ Deed  
☐ Court Order  
☐ Other Document.

by which the change in ownership was accomplished.

4. The undersigned acknowledges that any person or entity who files a Disclaimer of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently, the undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but, in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of this litigation.

Executed this 10 day of 12 2007.

We have 2 acres on Pete  
Henricks and will be  
drilling a domestic  
well at some date  
in the future.

*Kathryn A Newman*  
[signature of counter-defendant]

Albert W. Newman  
Kathryn A Newman  
[name of counter-defendant]



[Assessor Home](#)
[Back to Search List](#)
[Personal Property](#)
[Sales Data](#)
[Secured Tax Inquiry](#)
[Recorder Search](#)

### Parcel Detail for Parcel # 001-112-03

#### Location

Property Location 109 COMMERCIAL AVE  
 Town YERINGTON  
 Subdivision Lot Block 146  
 Property Name  
 Remarks

[Add'l Addresses](#)

[Assessor Maps](#)

[Legal Description](#)

#### Description

Total Acres .100	Ag Acres .000	W/R Acres .000
<b>Improvements</b>		
Single-fam Detached 1	Non-dwell Units 0	Bdrm/Bath 1/1.00
Single-fam Attached 0	MH Hookups 0	Stories 1.0
Multi-fam Units 0	Wells 1	
Mobile Homes 0	Septic Tanks 0	
Total Dwelling Units 1	Bldg Sq Ft 608	
<b>Improvement List</b>	Garage Sq Ft 0	Attch/Detch
	Basement Sq Ft 0	Finished 0

#### Ownership

Assessed Owner Name NEWMAN, ALBERT W JR  
 Mailing Address 109 COMMERCIAL AVE  
 YERINGTON, NV 89447-0000  
 Legal Owner Name NEWMAN, ALBERT W JR  
 Vesting Doc#, Date 169527 03/11/94 Book/Page /  
 Map Document #s

[Ownership History](#)

[Document History](#)

#### Appraisal Classifications

Current Land Use Code 200 [Code Table](#)  
 Zoning RC  
 Re-appraisal Group 2  
 Orig Constr Year 1915  
 Re-appraisal Year 2005  
 Weighted Year

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
WALKER RIVER PAIUTE TRIBE, ) IN EQUITY NO. C-125  
 )  
Plaintiff-Intervenor, ) SUBFILE NO. C-125-B  
 )  
vs. )  
 )  
WALKER RIVER IRRIGATION DISTRICT, )  
a corporation, et al., )

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

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District of Nevada  
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Attorney:

Address:

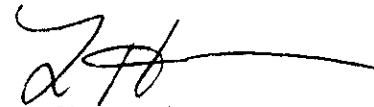
1 Phone Number:

2 Fax Number:

3 E-mail Address:

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11 Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

12  
13   
14 (Signature)

15 LEONARD HANER  
16 (Printed or typed Name)

17  
18 Northern Nevada Urgent Care  
19 (Entity, if any, on whose  
20 behalf you are appearing)

21 212 W. Ann Street

22 Carson City, NV 89703

23 (Address)

24 (775) 885-2211 ext. 103

25 (Telephone number)

U.S. DEPT. OF JUSTICE  
ENV. & NAT. RES. DIV.  
DENVER, CO

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

2009 JAN 12 AM 11:42

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: JAN 6, 09

Emmet W. Pennebaker  
Signature

EMMET W. PENNEBAKER  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: TRUSTEE of  
(Title)


WILLIAM H. PENNEBAKER 2007 TRUST  
(Corporate, Trust, Partnership or other entity)

## Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

ENTERED	RECEIVED
SERVED ON	
COUNSEL/PARTIES OF RECORD	
MAR 17 2009	
No CPY	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: 	DEPUTY

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.


WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.
2. I am filing this document with the District Court at the following address and as directed on the Notice In Lieu of Summons:

 Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

3. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

4. If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, facsimile number, and e-mail address:

Attorney:

Address:

1  
2  
3  
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14  
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27  
28

Phone Number:

Fax Number:

E-mail Address:

PLEASE NOTE: Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada.

"Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

(Signature)

*Brenda A. Rogers*

Brenda A Rogers

(Printed or typed Name)

(Entity, if any, on whose  
behalf you are appearing)

18 Yermo Lane

(Address) Yerston, NV

775-463-1539

(Telephone number)



Ms. Brenda A. Rogers  
18 Yermo Ln.  
Yerington, NV 89447

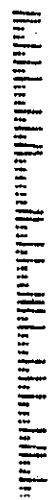
RENO NV 895

25 MAR 2009 PM 1 T



Chief Deputy Clerk  
United States District Court  
For the District of Nevada  
400. South Virginia Street Suite 301  
Reno NV 89501

83501+21350 89501





IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.

2. I am filing this document with the District Court at the following address and as directed on the Notice In Lieu of Summons:

Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

3. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

4. If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, facsimile number, and e-mail address:

Attorney:

Address:

1 Phone Number:

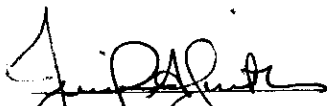
2 Fax Number:

3 E-mail Address:

4  
5 PLEASE NOTE: Attorneys are reminded that they are required to comply with the  
6 electronic filing procedures of the U.S. District Court for District of Nevada.

7 "Attorneys who are admitted to the bar of this court, admitted to participate in a case pro  
8 hac vice, or who are authorized to represent the United States and its agencies, shall  
9 register as Filing Users of the System. Registration shall be in the form prescribed by  
10 the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D.  
11 Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

12  
13 (Signature)

14   
15  
16 (Printed or typed Name)

17  
18 Jennifer A. Smith

19 (Entity, if any, on whose  
20 behalf you are appearing)

21 746 Buchanan St

22 (Address) Benicia, CA 94510

23 (707) 746-6704

24 (Telephone number)  
25  
26  
27  
28

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

U.S. DEPT. OF JUSTICE  
ENV. & NAT. RES. DIV.  
DENVER, CO

TO: Susan L. Schneider, attorney for the United States of America

2009 JAN 26 AM 10: 39

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER -- DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 1/22/09

Tom Summers

Signature

Tom Summers

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Resident Agent of

(Title)  
Swauger Ranch, Inc.

(Corporate, Trust, Partnership or other entity)

## Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

<input checked="checked" type="checkbox"/> FILED <input type="checkbox"/> ENTERED	<input type="checkbox"/> RECEIVED <input type="checkbox"/> SERVED ON COUNSEL/PARTIES OF RECORD
JAN 2 2009	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.

2. I am filing this document with the District Court at the following address:

Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of  
Summons, I am mailing a copy of this document to:

Susan L. Schneider  
Attorney for the United States of America  
United States Department of Justice  
Environment & Natural Resources Division  
P.O. Box 756  
Littleton, Colorado 80160

4. I (or the entity on whose behalf I am acting) will retain all defenses or objections  
to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect  
in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. \*\*\*

5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent  
me in these proceedings, I identify that attorney below, along with his or her mailing address,  
telephone number, facsimile number, and e-mail address:

\*\*\* I also reserve the defense that the court lacks jurisdiction  
over Slinkard Creek because it is not a tributary of the Walker  
River, and is not an inter-state stream.

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

Attorney:

Address:

Phone Number:

Fax Number:

E-mail Address:

**PLEASE NOTE:** Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada.

"Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.



(Signature)

Tom Summers

(Printed or typed Name)

Tom Summers, RA  
Swauger Ranch, Inc.

Swauger Ranch, Inc.

(Entity, if any, on whose  
behalf you are appearing)

116116 Hwy. 395

Topaz, CA 96133

(Address)

(530) 495- 2306

(Telephone number)

U.S. DEPT. OF JUSTICE  
ENV. & NAT. RES. DIV.  
DENVER, CO

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

2008 DEC 22 PM 12:17

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 12/17/08

Signature

Paul J. Anderson, Esq.

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Legal Counsel of (Title)

Twin Lakes Enterprises, Inc.

(Corporate, Trust, Partnership or other entity)

## Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.

2. I am filing this document with the District Court at the following address:

Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of  
Summons, I am mailing a copy of this document to:

Susan L. Schneider  
Attorney for the United States of America  
United States Department of Justice  
Environment & Natural Resources Division  
P.O. Box 756  
Littleton, Colorado 80160

4. I (or the entity on whose behalf I am acting) will retain all defenses or objections  
to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect  
in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent  
me in these proceedings, I identify that attorney below, along with his or her mailing address,  
telephone number, facsimile number, and e-mail address:



1 Attorney: **Maupin, Cox & LeGoy**  
2 **Ernest J. Maupin, Esq.**  
3 **Nevada State Bar No. 1253**  
4 **Paul J. Anderson, Esq.**  
5 **Nevada State Bar No. 709**  
6 Address: **4785 Caughlin Parkway**  
7 **Reno, Nevada 89519**

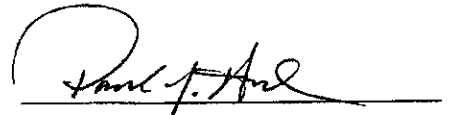
8 Phone Number: (775) 827-2000

9 Fax Number: (775) 827-2185

10 E-mail Address: **panderson@mclrenolaw.com**  
11 **emaupin@mclrenolaw.com**

12 PLEASE NOTE: Attorneys are reminded that they are required to comply with the  
13 electronic filing procedures of the U.S. District Court for District of Nevada.

14 "Attorneys who are admitted to the bar of this court, admitted to participate in a case pro  
15 hac vice, or who are authorized to represent the United States and its agencies, shall  
16 register as Filing Users of the System. Registration shall be in the form prescribed by the  
17 Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. Nev.,  
18 Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

19 

20 (Signature)

21 Paul J. Anderson, Esq.

22 (Printed or typed Name)

23 Twin Lakes Enterprises, Inc.

24 (Entity, if any, on whose  
25 behalf you are appearing)

26 P.O. Box 455

27 Bridgeport, CA 93517

28 (Address)

(760) 932-7071

(Telephone number)



U.S. DEPT. OF JUSTICE  
NAT. RES. DIV.  
DENVER, CO

**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

2009 JAN 12 AM 11:42

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: Jan 7, 2008Ramon V. Valdez

Signature

RAMON V. VALDEZ

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Trustees of

(Title)

Ramon V. and Myrna E. VALDEZ 2003 Revocable Trust Utah Dated April 8 2003  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

U.S. DEPT. OF JUSTICE  
ENV. & NAT. RES. DIV.  
DENVER, CO

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

2009 JAN 12 AM 11:42

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

**NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE**

1. I hereby enter my appearance in this sub-proceeding in this case.
2. I am filing this document with the District Court at the following address:  
  
Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501
3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of  
Summons, I am mailing a copy of this document to:  
  
Susan L. Schneider  
Attorney for the United States of America  
United States Department of Justice  
Environment & Natural Resources Division  
P.O. Box 756  
Littleton, Colorado 80160
4. I (or the entity on whose behalf I am acting) will retain all defenses or objections  
to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect  
in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.
5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent  
me in these proceedings, I identify that attorney below, along with his or her mailing address,  
telephone number, facsimile number, and e-mail address:

Attorney:

Address:

Phone Number:

Fax Number:

E-mail Address:

PLEASE NOTE: Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada.

"Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

Ramon V. Valdez  
Myrna E. Valdez  
(Signature)

RAMON V. VALDEZ

MYRNA E. VALDEZ

(Printed or typed Name)

Ramon V. and Myrna E. VALDEZ 2003  
Revocable Trust vta Dated April 8, 2003  
Myrna E. and Ramon V. Valdez, Trustees

(Entity, if any, on whose  
behalf you are appearing)

HC 83 BOX 2052  
Bridgeport CA. 93517

(Address)

760-932-7542

(Telephone number)

**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 10/17/08

Ana Margarita Valladares  
Signature

Ana Margarita Valladares  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: Waiver of Service of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 10/17/08

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Waiver of Service of (Title)

(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

FILED ENTERED	RECEIVED SERVED ON COUNSEL/PARTIES OF RECORD
FEB 18 2009	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.
2. I am filing this document with the District Court at the following address and as directed on the Notice In Lieu of Summons:

Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

3. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

4. If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, facsimile number, and e-mail address:

Attorney:

Address:



1 Phone Number:

2 Fax Number:

3 E-mail Address:

4  
5 PLEASE NOTE: Attorneys are reminded that they are required to comply with the  
6 electronic filing procedures of the U.S. District Court for District of Nevada.

7 "Attorneys who are admitted to the bar of this court, admitted to participate in a case pro  
8 hac vice, or who are authorized to represent the United States and its agencies, shall  
9 register as Filing Users of the System. Registration shall be in the form prescribed by  
10 the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D.  
11 Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

12  
13 (Signature)

14 *Don E. Meier*

15 DON E. MEIER -

16 (Printed or typed Name)

17 VICE PRESIDENT

18 VIRGINIA LAKES  
19 MUTUAL WATER CO.

20 (Entity, if any, on whose  
21 behalf you are appearing)

22 4495 GIBRALTAR DR.

23 RENO, NV 89509-562

24 (Address)

25 775-826-4495

26 (Telephone number)

27 FAX 775-826-4492

**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date:

11/3/08

Signature

Janine Walsh

Printed/Typed Name

Janine Walsh

If you are acting on behalf of any entity, identify that you are acting as: \_\_\_\_\_ of (Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	In Equity No. C-125-ECR
	)	Subfile No. C-125-B
WALKER RIVER PAIUTE TRIBE,	)	
	)	NOTICE OF CHANGE OF
Plaintiff-Intervenor,	)	OWNERSHIP OF WATER RIGHT
	)	
v.	)	
	)	
WALKER RIVER IRRIGATION DISTRICT,	)	
a corporation, et al.,	)	
	)	
Defendants.	)	

The undersigned counter-defendant in the above action hereby notifies the Court and the United States that the undersigned (or the entity on whose behalf the undersigned is acting) has sold or otherwise conveyed ownership of all or a portion of a water right within one or more of the categories set forth in Paragraph 3 of the Case Management Order and provides the following information:

1. The name and address of the party or parties who sold or otherwise conveyed ownership:

Donna R. Schuster, Trustee of the Donna R. Schuster Family  
Trust

Name(s)

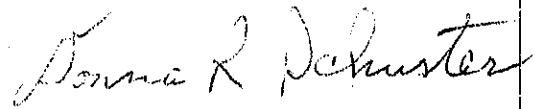
4850 Idlewild Dr.

Street or P.O. Box

1	Reno	NV	89509
2	Town or City	State	ZipCode
3	2. The name and address of each person or entity who acquired ownership		
4	Adam E. Anderson		
5	Name(s)		
6	4914 Idlewild Dr.		
7	Street or P.O. Box		
8	Reno	NV	89509
9	Town or City	State	ZipCode
10	3. Attached to or included with this notice is a copy of the (check appropriate		
11	box(es)):		
12	<input checked="" type="checkbox"/>	Deed	
13	<input type="checkbox"/>	Court Order	
14	<input type="checkbox"/>	Other Document.	
15	by which the change in ownership was accomplished.		
16	4. The undersigned acknowledges that any person or entity who files a Notice of		
17	Change of Ownership of Water Right using this form is ultimately responsible for the accuracy		
18	of this filing. Consequently, the undersigned acknowledges that any person or entity who files		
19	_____		
20	* This notice shall be sent to the following two persons:		
21	Linda Lea Sharer, Chief Deputy Clerk		
22	United States District Court for the District of Nevada		
23	400 South Virginia Street, Suite 301		
24	Reno, NV 89501		
25	<u>And</u>		
26	Susan L. Schneider		
27	United States Department of Justice		
28	P.O. Box 756		
	Littleton, CO 80160		
	NOTICE OF CHANGE OF WATER RIGHTS OWNERSHIP, page 2 of 3		

1 such a notice, but retains such water rights, shall nevertheless, be bound by the results of this  
2 litigation.

3  
4 Executed this 25<sup>th</sup> day of June 2008.

5  
6 

7 [signature of counter-defendant]

8 Donna R. Schuster, Trustee of  
9 The Donna R. Schuster Family  
10 Trust

11 [name of counter-defendant]

12  
13 [signature, if applicable, of person acting on  
14 behalf of counter-defendant]

15  
16 [name, if applicable, of person acting on  
17 behalf of counter-defendant]

18 4850 Idlewild Dr.  
19 Reno, NV 89509

20 [address]

21 [telephone number]

22 775. 747. 7908  
23  
24

\*\*\* THIS IS AN UNOFFICIAL COPY \*\*\*

APN 004-391-06

RPTT \$312.00

When Recorded Return to

Grantee

3700 Lake side Dr.

Reno NV 89509

Mail Tax Statements to

Same

DOC # 422755

03/19/2008 02:20 PM

Official Record

Requested By  
FIRST CENTENNIAL TITLE

Lyon County - NV

Mary C. Milligan - Recorder

Page 1 of 1 Fee \$14.00

Recorded By HCM RPTT \$312.00



0422755

3700 Lake side Dr. #110  
Reno NV 89509

SPACE ABOVE FOR RECORDERS USE

**Grant, Bargain, Sale Deed**

THIS INDENTURE WITNESSETH: That Donna R. Schuster, Trustee of the Donna R. Schuster Family Trust, established June 15, 1993

In consideration of \$10.00, the receipt of which is hereby acknowledged, do(es) hereby Grant, Bargain, Sell and Convey to Adam E. Anderson, a single man

all that real property situate in the County of Lyon, State of Nevada, described as follows

Lot 5 as show on the Official Map of Walker River Ranch, filed in the office of the County Recorder of Lyon County, State of Nevada, on June 15, 1972, as File No. 10568, together with all rights for water appurtenant to said land

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining

Witness my/our hand(s) this 11<sup>th</sup> day of March, 2008

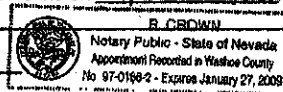
The Donna R. Schuster Family Trust  
Dated June 15, 1993

Donna R. Schuster  
Donna R. Schuster, Trustee

STATE OF NEVADA  
COUNTY OF WASHOE

This instrument was acknowledged before me on March 11, 2008  
by Donna R. Schuster

[Signature]  
NOTARY PUBLIC



SPACE BELOW FOR RECORDER

1 Paul J. Anderson, Esq.  
2 Nevada State Bar No. 709  
3 MAUPIN, COX & LeGOY  
4 P.O. Box 30,000  
5 Reno, NV 89520  
6 [panderson@mclrenolaw.com](mailto:panderson@mclrenolaw.com)  
7 775-827-2000 (telephone)  
8 775-827-2185 (telefax)  
9 Counsel for  
10 The Norman W. & Kellie J. Annett Family Trust

11 UNITED STATES DISTRICT COURT

12 DISTRICT OF NEVADA

13 UNITED STATE OF AMERICA

14 Plaintiff,

Case No.: 3:73-cv-00127-ECR-RAM  
In Equity No.: C-125  
Subfile No.: C-125-B

15 WALKER RIVER PAIUTE TRIBE,

16 Plaintiff-Intervenor,

17 vs.

18 WALKER RIVER IRRIGATION  
19 DISTRICT, a corporation, et al.,

20 Defendants.

21 NOTICE OF CHANGE OF OWNERSHIP OF WATER RIGHT

22 The undersigned counter-defendant in the above action hereby notifies the Court and the  
23 United States that the undersigned (or the entity on whose behalf the undersigned is acting) has  
24 sold or otherwise conveyed ownership of all or a portion of a water right within one or more  
25 categories set forth in Paragraph 3 of the *Case Management Order* and, provides the following  
26 information.

///

1           1.     The name and address of the party or parties who sold or otherwise conveyed  
2 ownership:

3                   (a) *See* attached Exhibit "A," Grant Deed recorded in Mono County, California,  
4 on October 29, 2001, wherein Norman W. Annett and Kellie Annett, also known as Kellie J.  
5 Annett, husband and wife, granted to Norman W. Annett and Kellie J. Annett, as Co-Trustees  
6 under The Norman W. & Kellie J. Annett Family Trust Agreement dated October 5, 2001, the  
7 real property situated in the unincorporated area of Mono County, California, as described  
8 therein, which property is commonly referred to as Mono County APN 10-300-05; and  
9

10                   (b) *See* attached Exhibit "B," Grant Deed recorded in Mono County, California,  
11 on October 29, 2001, wherein Norman Wallace Annett, also known as Norman W. Annett, a  
12 married man, granted to Norman W. Annett and Kellie J. Annett, as Co-Trustees under The  
13 Norman W. & Kellie J. Annett Family Trust dated October 5, 2001, the real property situated in  
14 the unincorporated area of Mono County, California, as described therein, which property is  
15 commonly referred to as Mono County APN 10-383-01.  
16

17           2.     The name and address of each person or entity who acquired ownership:

18                   As a result of the documents attached as Exhibits "A," and "B," the real property  
19 described therein which is commonly referred to as Mono County APN 10-300-05 and Mono  
20 County APN 10-383-01 are now both owned by The Norman W. & Kellie J. Annett Family  
21 Trust (under the Trust Agreement dated October 5, 2001). The address of The Norman W. &  
22 Kellie J. Annett Family Trust and its Co-Trustees are as follows:  
23

24                   Norman W. Annett and Kellie J. Annett, Co-Trustees  
25                   The Norman W. & Kellie J. Annett Family Trust  
26                   P.O. Box 221  
                    Bridgeport, California 93517

1           3.     Attached to or included with this notice are copies of the following:

2               ☒ Deeds - See Exhibits "A" and "B."

3               ☐ Court Order

4               ☐ Other Document

5     The change in ownership of the properties was accomplished by these documents.

6           4.     The undersigned acknowledges that any person or entity who files a Notice of  
7     Change of Ownership of Water Rights using this form is ultimately responsible for the accuracy  
8     of this filing. Consequently, the undersigned acknowledges that any person or entity who files  
9     such a notice, but retains such water rights, shall nevertheless be bound by the results of this  
10    litigation.

11           This notice shall be sent to the following two persons:

12                   Jake Herb, Chief Deputy Clerk  
13                   United States District Court for the District of Nevada  
14                   400 South Virginia Street, Suite 301  
15                   Reno, NV 89501

16                                   And

17                   Susan L. Schneider  
18                   United States Department of Justice  
19                   P. O. Box 756  
20                   Littleton, CO 80160

21           Dated this 26<sup>th</sup> day of January, 2009.

22                   Maupin, Cox & LeGoy

23           By Paul J. Anderson

24                   Paul J. Anderson, Esq.

25                   Nevada State Bar No. 709

26                   Counsel for The Norman W. & Kellie J. Annett  
                    Family Trust

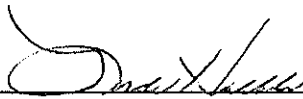
**CERTIFICATE OF SERVICE BY MAIL**

I hereby certify that I am an employee of Maupin, Cox & LeGoy, Attorneys at law, and in such capacity and on the date indicated below, I caused to be deposited for mailing, from a point within the State of Nevada, a sealed envelope which had enclosed within a true and correct copy of the within document, which envelope had postage fully prepaid thereon, and was addressed as follows:

Jake Herb, Chief Deputy Clerk  
United States District Court for the District of Nevada  
400 South Virginia Street, Suite 301  
Reno, NV 89501

Susan L. Schneider  
United States Department of Justice  
P. O. Box 756  
Littleton, CO 80160

Dated this 26th day of January, 2009.

  
Linda Hubble



**EXHIBIT 'A'**

**EXHIBIT 'A'**

Walter, Key, Maupin, C...s, Cox &  
LeGoy.

After recording, return Grant Deed and  
mail future property tax statements  
to the following address:


Norman W. Annett and Kellie J.  
Annett, Co-Trustees  
The Norman W. & Kellie J. Annett  
Family Trust  
P. O. Box 221  
Bridgeport, California 93517

Doc ( 201007113  
Page 1 of 1  
Date: 10/19/2001 1:19:33 PM  
Filed by: GENERAL PUBLIC  
Filed & Recorded in Official Records  
of KONO COUNTY  
RENN HOLAN  
CLERK-RECORDER  
Fee: \$13.00

Confirmed Copy

## GRANT DEED

DOCUMENTARY TRANSFER TAX: \$0.00  
EXEMPTION (R&T CODE): R&T \$11930  
EXPLANATION: Transfer without consideration  
to revocable trust for benefit of grantors



Signature of Declarant or Agent Determining Tax

Without consideration, Norman W. Annett and Kellie Annett, also known as Kellie J. Annett, husband and wife, hereby grant to Norman W. Annett and Kellie J. Annett, as Co-Trustees under The Norman W. & Kellie J. Annett Family Trust Agreement of this same date, the real property situated in the unincorporated area of Mono County, California, described as follows:

### Parcel 1

A parcel of land located in Lot 3, Section 32, T4N, R24E, and Tract 37, Section 5, T3N, R24E, MDB&M, Mono County, State of California, and being more particularly described as follows:

Beginning at a point on the easterly right of way line of North Patterson Drive as shown on Book 1 of Maps, Page 52, said point bears S 79°04'10" E, 401.54 feet from the 1/4 section corner Section 32 and is the true point of beginning; thence southerly along the easterly right of way line of said North Patterson Drive, on a curve to the right, with a radius of 170 feet, from a tangent which bears S 21°20'13" E, through an angle of 30°50'05", an arc distance of 91.49 feet; thence N 64°09'36" E, 212.60 feet; thence N 63°37'47" E, 105.83 feet; thence N 5°58'47" E, 210.86 feet; thence S 50°44'18" W, 410.00 feet to the true point of beginning; containing 1.00 acres.

Said description is for the property shown on Record of Survey number 32-48 as recorded in Book 3, of Record of Surveys, Page 19, in the office of the County Recorder.

Street address: 400 Charley Day Drive, Bridgeport, CA

APN 10-300-05

MAIL FUTURE PROPERTY TAX STATEMENTS TO THE RETURN ADDRESS STATED ABOVE.

Parcel 2

That certain parcel of land situate in the Townsite of Bridgeport, County of Mono, State of California, described as follows:

Commencing at the Northeast corner of the lot conveyed to the Bridgeport Elementary School District by Deed recorded in Book 34, Page 71, Official Records; thence in an easterly direction along the south line of Kingsley Street a distance of 89 feet 10 inches, more or less to the Northwest corner of the lot conveyed to Martha Hayes by Deed recorded in Book 20, Page 267, Official Records; thence Southerly along the Westerly line and its Southerly prolongation of the land conveyed to Martha Hayes by the above mentioned Deed, 292 feet 8 inches, more or less, to its intersection with the easterly prolongation of the South line of the land conveyed to Verne Summers, et ux, by Deed recorded in Book 27, Page 154, Official Records; thence South 81°49'40" West along said Easterly prolongation 67.10 feet, more or less, to the Southeast corner of the land conveyed to Verne Summers, et ux, by the above mentioned Deed; thence Northerly along the Easterly line of the land conveyed to Verne Summers, et ux, by the above mentioned Deed, and along the Easterly line of the land conveyed to Glen D. Hock, et ux, by Deed recorded in Book 27, Page 108, Official Records, and the Easterly line of the land conveyed to Gilbert O. Goodsell, et ux, by Deed recorded in Book 37, Page 264, Official Records, and along the Easterly line of the land conveyed to the Bridgeport Elementary School District by Deed recorded in Book 34, Page 71, Official Records, a distance of 297 feet 7 inches, more or less, to the point of beginning.

Street address: 87 Kingsley Street, Bridgeport, CA


APN 08-142-18

This conveyance is subject to the following liens and encumbrances:

1. The lien of general and special real property taxes and assessments for the fiscal year July 1, 2001, through June 30, 2002.
2. Covenants, conditions, restrictions, reservations, easements, and rights-of-way of record.


Dated this 5 day of October, 2001.

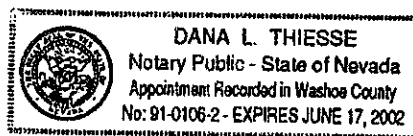
  
Norman W. Annett

  
Kellie Annett, also known  
as Kellie J. Annett

STATE OF NEVADA )  
COUNTY OF WASHOE ) ss.

On this 5<sup>th</sup> day of October, 2001, before me, DANA L. THIESSE, a Notary Public, personally appeared Norman W. Annett and Kellie Annett, also known as Kellie J. Annett, husband and wife, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the foregoing Grant Deed, who acknowledged to me that they executed the same in their individual capacities, and that by their signatures on the Grant Deed they executed it.

  
Notary Public



**EXHIBIT 'B'**

**EXHIBIT 'B'**

Gas Recording-000127-ECR-RA-M Document 1491  
Walther, Key, Maupin, S, Cox &  
LeGoy.

Doc# 000127-ECR-RA-M  
Page 1 of 2  
Date: 10/29/2001 1:19:34 PM  
Filed by: GENERAL PUBLIC  
Filed & Recorded in Official Records  
of KEND COUNTY  
RENN MOON  
CLERK-RECORDER  
Fee: \$78.00

After recording, return Grant Deed and  
mail future property tax statements  
to the following address:  
Norman W. Annett and Kellie J.  
Annett, Co-Trustees  
The Norman W. & Kellie J. Annett  
Family Trust  
P. O. Box 221  
Bridgeport, California 93517

Confirmed Copy

## GRANT DEED

DOCUMENTARY TRANSFER TAX: \$0.00  
EXEMPTION (R&T CODE): R&T §11930  
EXPLANATION: Transfer without consideration  
to revocable trust for benefit of grantors



Signature of Declarant or Agent Determining Tax

Without consideration, Norman Wallace Annett, also known as Norman W. Annett, a married man, hereby grants to Norman W. Annett and Kellie J. Annett, as Co-Trustees under The Norman W. & Kellie J. Annett Family Trust Agreement of this same date, the real property situated in the unincorporated area of Mono County, California, described as follows:

Lot 12, Block "L" of the South Portion of Twin Lakes Subdivision, the Official Plat of the same being filed in the Office of the County Recorder of Mono County on April 18, 1955.

APN 10-383-01

This conveyance is subject to the following liens and encumbrances:

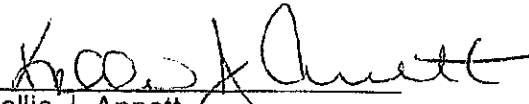
1. The lien of general and special real property taxes and assessments for the fiscal year July 1, 2001, through June 30, 2002.
2. Covenants, conditions, restrictions, reservations, easements, and rights-of-way of record.

Dated this 5 day of October, 2001.

  
Norman Wallace Annett, also  
known as Norman W. Annett

MAIL FUTURE PROPERTY TAX STATEMENTS TO THE RETURN ADDRESS STATED ABOVE.

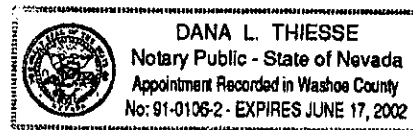
Kellie J. Annett, the undersigned wife of Norman Wallace Annett, also known as Norman W. Annett, hereby joins in the execution of the foregoing Grant Deed for the purpose of conveying to the grantees any community property or other interest that she might own in the real property.

  
Kellie J. Annett

STATE OF NEVADA        }  
COUNTY OF WASHOE    } ss.

On this 5th day of October, 2001, before me, DANA L. THIESSE, a Notary Public, personally appeared Norman Wallace Annett, also known as Norman W. Annett, and Kellie J. Annett, husband and wife, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the foregoing Grant Deed, who acknowledged to me that they executed the same in their individual capacities, and that by their signatures on the Grant Deed they executed it.

  
Notary Public



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.

2. I am filing this document with the District Court at the following address:

Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of  
Summons, I am mailing a copy of this document to:

Susan L. Schneider  
Attorney for the United States of America  
United States Department of Justice  
Environment & Natural Resources Division  
P.O. Box 756  
Littleton, Colorado 80160

4. I (or the entity on whose behalf I am acting) will retain all defenses or objections  
to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect  
in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent  
me in these proceedings, I identify that attorney below, along with his or her mailing address,  
telephone number, facsimile number, and e-mail address:



Attorney: Paul J. Anderson, Esq.  
Maurin, Cox & LeGay

Address: 4785 Caughlin Parkway  
Reno, Nevada 89519

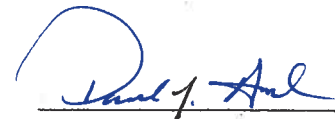
Phone Number: (775) 827-2000

Fax Number: (775) 827-2185

E-mail Address: panderson@mclrenolaw.com

PLEASE NOTE: Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada.

"Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.



(Signature)

Paul J. Anderson

(Printed or typed Name)

Norman W. and Kelli J.  
Annett Family Trust

(Entity, if any, on whose  
behalf you are appearing)

4785 Caughlin Parkway  
Reno, Nevada 89519

(Address)

(775) 827-2000

(Telephone number)

1                                   **IN THE UNITED STATES DISTRICT COURT**  
2                                   **FOR THE DISTRICT OF NEVADA**

3           UNITED STATES OF AMERICA,

4                           Plaintiff,

5           WALKER RIVER PAIUTE TRIBE,

6                           Plaintiff-Intervenor,

IN EQUITY NO. 73CV-127

SUBFILE NO. C-127-B

7  
8           vs.

**NOTICE OF CHANGE OF  
OWNERSHIP OF WATER RIGHT**

9           WALKER RIVER IRRIGATION DISTRICT,  
10           a corporation, et al.,

11                           Defendants.  
12

13           The undersigned counter-defendant, Metallic Ventures, (U.S.) Inc.), hereby notifies  
14           the Court and the United States that the undersigned has sold and conveyed ownership of  
15           all or a portion of a water right within one or more of the categories set forth in Paragraph  
16           3 of the Case Management Order and provides the following information:

- 17           1.     The name and address of the party who sold and conveyed ownership:

18                           Metallic Ventures (U.S.), Inc.  
19                           5450 Riggins Court, Suite 2  
20                           Reno, Nevada 89502

- 21           2.     The name and address of each person or entity who acquired ownership:

22                           Antler Peak Gold Inc.  
23                           4000 W. Winnemucca Blvd.  
24                           Winnemucca, Nevada 89446

- 25           3.     Attached to this notice is a copy of the Quitclaim Deed and Agreement  
26           dated December 15, 2008 and recorded in Mineral County, Nevada on December 16, 2008

(Document No. 147461) by which the change in ownership was accomplished.

4. The undersigned acknowledges that any person or entity who files a Notice of Change of Ownership of Water Right using this form is ultimately responsible for the accuracy of this filing. Consequently, the undersigned acknowledges that any person or entity who files such a notice, but retains such water rights, shall nevertheless, be bound by the results of this litigation.

Executed this 18th day of March, 2009.

METALLIC VENTURES (U.S.), INC.

By Richard W. Harris  
RICHARD W. HARRIS  
Attorney for Metallic Ventures (U.S.), Inc.

ANTLER PEAK GOLD

By Richard W. Harris  
RICHARD W. HARRIS  
Attorney for Antler Peak Gold, Inc.  
Nevada State Bar No. 1685  
6121 Lakeside Drive, Suite 260  
Reno, Nevada 89511  
Telephone: (775) 825-4300  
Telecopier: (775) 825-4829  
E-Mail: [rharris@gbis.com](mailto:rharris@gbis.com)

Antler peak gold/7349/walker river irrigation litigation  
Notice of change of ownership of water right 3-09

**CERTIFICATE OF SERVICE**

I certify that I am an employee of Harris & Thompson, and on the 19th day of March, 2009, the following persons were served with a copy of the foregoing "NOTICE OF CHANGE OF OWNERSHIP OF WATER RIGHT" by electronic mail, according to U.S. District Court, D., Nevada., Electronic Filing Procedures (rev. August 24, 2006) at I.C. Susan L. Schneider was also served by United States mail.

**Attorney for the United States**

Susan L. Schneider  
U.S. Department of Justice  
Environment & Natural Resources  
Division  
1961 Stout Street, 8th Floor  
Denver, Colorado 80294

**Attorney for the  
Walker River Paiute Tribe**

Wes Williams, Jr., Esq.  
Law Offices of Wes Williams, Jr.  
P.O. Box 100  
Schurz, Nevada 89427

**Attorney for the  
State of California**

Michael W. Neville, Esq.  
Deputy Attorney General  
California Attorney General's Office  
455 Golden Gate Avenue, Suite 11000  
San Francisco, California 94102-3664

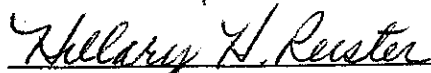
**Attorneys for the Walker River  
Irrigation District**

Gordon DePaoli, Esq.  
Dale Ferguson, Esq.  
Woodburn and Wedge  
6100 Neil Road, Suite 500  
Reno, Nevada 89511

**Attorney for the State of Nevada**

Marta Adams, Esq.  
Senior Deputy Attorney General  
Conservation Section  
100 N. Carson Street  
Carson City, Nevada

DATED this 18th day of March, 2009

  
HILLARY H. REISTER

DOC # 147461

12/16/2008

01:21 PM

**Official Record**Recording requested By  
ANTLER PEAK GOLD INC**Mineral County - NV****Christine Hoferer - Recorder**

Page 1 of 20 Fee: \$33.00

Recorded By: TF RPTT: \$1,989.00



0147461

Assessor's Tax Parcel Number(s): As listed in Exhibit A Cont

When Recorded Mail To, And Send Future Tax Notices To:

Antler Peak Gold Inc  
4000 West Winnemucca Boulevard  
Winnemucca, NV 89446

The undersigned hereby affirms that this document submitted for recording does not contain a social security number. (NRS 39B.030)

**QUITCLAIM DEED AND AGREEMENT**

THIS QUITCLAIM DEED AND AGREEMENT (this "Deed") is made and entered into effective December 15, 2008 by and between Metallic Ventures (U.S.), Inc., a Nevada corporation ("MVI"), whose address is 5450 Riggins Court Suite 2, Reno, Nevada 89502, and Antler Peak Gold Inc., a Nevada corporation ("Antler"), whose address is 4000 West Winnemucca Boulevard, Winnemucca, NV 89446.

**WITNESSETH:**

That MVI, for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, paid to MVI by Antler, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, quitclaims to Antler and its successors and assigns forever all of MVI's right, title and interest, as-is and where-is, in, to and under (i) that certain real property consisting of patented and unpatented mining claims, situated in Mineral County, State of Nevada, and more particularly described in Exhibit "A" attached hereto and incorporated by this reference herein, (ii) the mill structures and equipment, truck shop, warehouse, core shed and outbuildings thereon, and all (iii) dips, spurs, and angles in all ores, mineral-bearing quartz, rock and earth therein and thereon, (iv) rights, privileges and franchises thereto incident, including any water rights and permits, more particularly described, respectively, in Exhibits "B" and "C" attached hereto and incorporated by this reference herein, (v) tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, (vi) rents, issues and profits thereof, and (vii) the estate, right, title, interest, property and possession, claim and demand whatsoever, in law as well as in equity, of MVI of, in or to the premises and every part and parcel thereof, with all appurtenances.

By accepting this Deed, Antler signifies that it has assumed and that it shall perform all duties, obligations and responsibilities in respect of all property quitclaimed hereby which accrue or arise after the date hereof, and that it shall defend, indemnify and hold harmless MVI from any claims, damages, liabilities, losses or responsibilities arising from or relating to Antler's activities on and ownership, possession and use of such property after such date.

The respective obligations of MVI and of Antler set forth in Section 7 of the Asset Purchase Agreement entered into by and between them on December 1, 2008 remain effective after the delivery of this Deed to Antler.

IN WITNESS WHEREOF, MVI has executed this Quitclaim Deed and Agreement effective December 15, 2008.

METALLIC VENTURES (U.S.), INC.

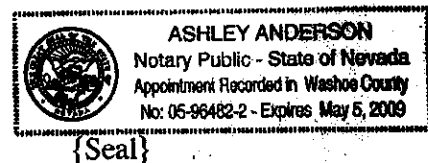
By: Miles Bachman  
Miles Bachman, President

STATE OF NEVADA       )  
                                  ss.  
COUNTY OF WASHOE    )

This Quitclaim Deed and Agreement was acknowledged before me on December 15, 2008 by Miles Bachman as President of Metallic Ventures (U.S.), Inc., a Nevada corporation.

Ashley Anderson  
Notary Public

My commission expires: May 5, 2009



**EXHIBIT A**  
 to  
**ASSET PURCHASE AGREEMENT** effective November 30, 2008 by and between  
**METALLIC VENTURES (U.S.), INC. and ANTLER PEAK GOLD INC.**

See attached list of Claims, Other Real Estate, Other land and Personal Property

**Unpatented Claims**

Aurora = Purchased from Bankruptcy of Aurora Consolidated Mines Company	
and Nevada Goldfield Inc., ("Trustee"); both Nevada Corporations.	
LC = Location Certificate by Metallic Ventures (U.S.), Inc.	

Royalties are listed to the best of MVI's Knowledge

**Mineral County, Nevada**

BLM	Name		
Serial No.	Claim		
NMC 451521	A-Part #1	Aurora	
NMC 451522	A-Part #2	Aurora	
NMC 451523	A-Part #3	Aurora	
NMC 464190	ARP-Mill #1	Aurora	
NMC 464191	ARP-Mill #2	Aurora	
NMC 464192	ARP-Mill #3	Aurora	
NMC 464193	ARP-Mill #4	Aurora	
NMC 2213	AUR #1	Aurora	
NMC 2222	AUR #10	Aurora	
NMC 2223	AUR #11	Aurora	
NMC 2224	AUR #12	Aurora	
NMC 2225	AUR #13	Aurora	
NMC 2226	AUR #14	Aurora	
NMC 628735	AUR #148	Aurora	
NMC 628736	AUR #149	Aurora	
NMC 2227	AUR #15	Aurora	
NMC 628737	AUR #150	Aurora	
NMC 628738	AUR #151	Aurora	
NMC 628739	AUR #152	Aurora	
NMC 2228	AUR #16	Aurora	
NMC 2229	AUR #17	Aurora	
NMC 2230	AUR #18	Aurora	
NMC 2231	AUR #19	Aurora	

NMC 2214	AUR #2	Aurora	
NMC 2232	AUR #20	Aurora	
NMC 2233	AUR #21	Aurora	
NMC 2234	AUR #22	Aurora	
NMC 2235	AUR #23	Aurora	
NMC 2236	AUR #24	Aurora	
NMC 2237	AUR #25	Aurora	
NMC 2238	AUR #26	Aurora	
NMC 2239	AUR #27	Aurora	
NMC 2240	AUR #28	Aurora	
NMC 435089	AUR #29	Aurora	
NMC 2215	AUR #3	Aurora	
NMC 435090	AUR #30	Aurora	
NMC 435091	AUR #31	Aurora	
NMC 435092	AUR #32	Aurora	
NMC 435093	AUR #33	Aurora	
NMC 435094	AUR #34	Aurora	
NMC 435095	AUR #35	Aurora	
NMC 435096	AUR #36	Aurora	
NMC 435097	AUR #37	Aurora	
NMC 435098	AUR #38	Aurora	
NMC 435099	AUR #39	Aurora	
NMC 2216	AUR #4	Aurora	
NMC 435100	AUR #40	Aurora	
NMC 435101	AUR #41	Aurora	
NMC 448323	AUR #42	Aurora	
NMC 591645	AUR #43	Aurora	
NMC 591646	AUR #44	Aurora	
NMC 591647	AUR #45	Aurora	
NMC 591648	AUR #46	Aurora	
NMC 591649	AUR #47	Aurora	
NMC 2217	AUR #5	Aurora	
NMC 591652	AUR #50	Aurora	
NMC 591653	AUR #51	Aurora	
NMC 591654	AUR #52	Aurora	
NMC 2218	AUR #6	Aurora	
NMC 2219	AUR #7	Aurora	
NMC 591676	AUR #74	Aurora	
NMC 591677	AUR #75	Aurora	
NMC 595263	AUR #76	Aurora	
NMC 2220	AUR #8	Aurora	



NMC 2221	AUR #9	Aurora	
NMC 595329	AUR 142	Aurora	
NMC 595330	AUR 143	Aurora	
NMC 595331	AUR 144	Aurora	
NMC 595332	AUR 145	Aurora	
NMC 595333	AUR 146	Aurora	
NMC 865885	AURORA 1	LC	
NMC 865894	AURORA 10	LC	
NMC 865895	AURORA 11	LC	
NMC 865981	AURORA 116	LC	
NMC 865982	AURORA 117	LC	
NMC 865983	AURORA 118	LC	
NMC 865984	AURORA 119	LC	
NMC 865896	AURORA 12	LC	
NMC 865985	AURORA 120	LC	
NMC 865986	AURORA 121	LC	
NMC 865987	AURORA 123	LC	
NMC 865988	AURORA 124	LC	
NMC 865989	AURORA 125	LC	
NMC 865990	AURORA 126	LC	
NMC 865991	AURORA 127	LC	
NMC 865992	AURORA 128	LC	
NMC 865993	AURORA 129	LC	
NMC 865897	AURORA 13	LC	
NMC 865994	AURORA 130	LC	
NMC 865995	AURORA 131	LC	
NMC 865996	AURORA 132	LC	
NMC 865997	AURORA 133	LC	
NMC 865998	AURORA 134	LC	
NMC 865999	AURORA 135	LC	
NMC 866000	AURORA 136	LC	
NMC 866001	AURORA 137	LC	
NMC 866002	AURORA 138	LC	
NMC 866003	AURORA 139	LC	
NMC 865898	AURORA 14	LC	
NMC 866004	AURORA 140	LC	
NMC 866005	AURORA 141	LC	
NMC 866006	AURORA 142	LC	
NMC 866007	AURORA 143	LC	
NMC 866008	AURORA 144	LC	
NMC 866009	AURORA 145	LC	



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NMC 866010	AURORA 146	LC	
NMC 866011	AURORA 147	LC	
NMC 866012	AURORA 148	LC	
NMC 866013	AURORA 149	LC	
NMC 865899	AURORA 15	LC	
NMC 866014	AURORA 150	LC	
NMC 866015	AURORA 151	LC	
NMC 866016	AURORA 152	LC	
NMC 639861	AURORA 153	Aurora (Deed said AUR 153, but location certificate says Aurora 153)	
NMC 866017	AURORA 153	LC	
NMC 866018	AURORA 154	LC	
NMC 866019	AURORA 155	LC	
NMC 866020	AURORA 156	LC	
NMC 866021	AURORA 157	LC	
NMC 865900	AURORA 16	LC	
NMC 865901	AURORA 17	LC	
NMC 865902	AURORA 18	LC	
NMC 865903	AURORA 19	LC	
NMC 865886	AURORA 2	LC	
NMC 865904	AURORA 20	LC	
NMC 865905	AURORA 22	LC	
NMC 865906	AURORA 23	LC	
NMC 865907	AURORA 24	LC	
NMC 865908	AURORA 25	LC	
NMC 865909	AURORA 26	LC	
NMC 865910	AURORA 27	LC	
NMC 865911	AURORA 28	LC	
NMC 865912	AURORA 29	LC	
NMC 865887	AURORA 3	LC	
NMC 865913	AURORA 30	LC	
NMC 865914	AURORA 31	LC	
NMC 865915	AURORA 32	LC	
NMC 865916	AURORA 33	LC	
NMC 865917	AURORA 34	LC	
NMC 865918	AURORA 35	LC	
NMC 865919	AURORA 36	LC	
NMC 865920	AURORA 37	LC	
NMC 865921	AURORA 38	LC	
NMC 865922	AURORA 39	LC	
NMC 865888	AURORA 4	LC	
NMC 865923	AURORA 40	LC	



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NMC 865924	AURORA 41	LC	
NMC 865925	AURORA 42	LC	
NMC 865926	AURORA 43	LC	
NMC 865927	AURORA 44	LC	
NMC 865928	AURORA 45	LC	
NMC 865929	AURORA 46	LC	
NMC 865930	AURORA 47	LC	
NMC 865931	AURORA 48	LC	
NMC 865932	AURORA 49	LC	
NMC 865889	AURORA 5	LC	
NMC 865933	AURORA 50	LC	
NMC 865934	AURORA 51	LC	
NMC 865935	AURORA 52	LC	
NMC 865936	AURORA 53	LC	
NMC 865937	AURORA 54	LC	
NMC 865938	AURORA 55	LC	
NMC 865939	AURORA 56	LC	
NMC 865940	AURORA 57	LC	
NMC 865941	AURORA 58	LC	
NMC 865942	AURORA 59	LC	
NMC 865890	AURORA 6	LC	
NMC 865943	AURORA 60	LC	
NMC 865944	AURORA 61	LC	
NMC 865945	AURORA 62	LC	
NMC 865946	AURORA 63	LC	
NMC 865947	AURORA 64	LC	
NMC 865948	AURORA 65	LC	
NMC 865949	AURORA 66	LC	
NMC 865950	AURORA 67	LC	
NMC 865951	AURORA 68	LC	
NMC 865952	AURORA 69	LC	
NMC 865891	AURORA 7	LC	
NMC 865953	AURORA 70	LC	
NMC 865954	AURORA 71	LC	
NMC 865955	AURORA 72	LC	
NMC 865956	AURORA 73	LC	
NMC 865957	AURORA 74	LC	
NMC 865958	AURORA 75	LC	
NMC 865959	AURORA 76	LC	
NMC 865960	AURORA 77	LC	
NMC 865961	AURORA 78	LC	



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NMC 865962	AURORA 79	LC	
NMC 865892	AURORA 8	LC	
NMC 865963	AURORA 80	LC	
NMC 865964	AURORA 81	LC	
NMC 865965	AURORA 82	LC	
NMC 865966	AURORA 83	LC	
NMC 865967	AURORA 84	LC	
NMC 865968	AURORA 85	LC	
NMC 865969	AURORA 86	LC	
NMC 865970	AURORA 87	LC	
NMC 865971	AURORA 88	LC	
NMC 865972	AURORA 89	LC	
NMC 865893	AURORA 9	LC	
NMC 865973	AURORA 90	LC	
NMC 865974	AURORA 91	LC	
NMC 865975	AURORA 92	LC	
NMC 865976	AURORA 93	LC	
NMC 865977	AURORA 94	LC	
NMC 865978	AURORA 95	LC	
NMC 865979	AURORA 96	LC	
NMC 865980	AURORA 97	LC	
NMC 237387	Banner Fleece Fraction	Aurora	
NMC 55796	Calaverite	Aurora	
NMC 221934	Calaverite Westerly Extension	Aurora	
NMC 55797	Chesco #1	Aurora	
NMC 55798	Chesco #2	Aurora	
NMC 55799	Chesco #3	Aurora	
NMC 55800	Chesco #4	Aurora	
NMC 55801	Chesco #5	Aurora	
NMC 55802	Chesco #6	Aurora	
NMC 55803	Chinkum	Aurora	
NMC 711685	ELC #1	Aurora	
NMC 711694	ELC #10	Aurora	
NMC 711695	ELC #11	Aurora	
NMC 711696	ELC #12	Aurora	
NMC 711702	ELC #18	Aurora	
NMC 711703	ELC #19	Aurora	
NMC 711686	ELC #2	Aurora	
NMC 711704	ELC #20	Aurora	
NMC 711687	ELC #3	Aurora	
NMC 711716	ELC #32	Aurora	

NMC 711717	ELC #33	Aurora	
NMC 711718	ELC #34	Aurora	
NMC 711688	ELC #4	Aurora	
NMC 711733	ELC #49	Aurora	
NMC 711689	ELC #5	Aurora	
NMC 711690	ELC #6	Aurora	
NMC 711748	ELC #64	Aurora	
NMC 711749	ELC #65	Aurora	
NMC 711750	ELC #66	Aurora	
NMC 711751	ELC #67	Aurora	
NMC 711691	ELC #7	Aurora	
NMC 711692	ELC #8	Aurora	
NMC 711693	ELC #9	Aurora	
NMC 711774	ELC #90	Aurora	
NMC 711775	ELC #91	Aurora	
NMC 237386	Empire Fraction	Aurora	
NMC 55804	Frisco Belle	Aurora	
NMC 682003	Gemini #2A	Aurora	
NMC 55808	Granite Hill Tunnel	Aurora	
NMC 55809	Half Moon Fraction	Aurora	
NMC 55810	Hessit	Aurora	
NMC 55811	Hessit Millsite	Aurora	
NMC 221936	High Interest Fraction	Aurora	
NMC 664241	Hondo	Aurora	
NMC 211205	HS #101	Aurora	
NMC 211207	HS #103	Aurora	
NMC 211209	HS #105	Aurora	
NMC 205373	HS #105A	Aurora	
NMC 211211	HS #107	Aurora	
NMC 205374	HS #107A	Aurora	
NMC 211213	HS #109	Aurora	
NMC 205375	HS #109A	Aurora	
NMC 211215	HS #111	Aurora	
NMC 211217	HS #113	Aurora	
NMC 211219	HS #115	Aurora	
NMC 205371	HS #11A	Aurora	
NMC 205372	HS #13A	Aurora	
NMC 211166	HS #21	Aurora	
NMC 211167	HS #22	Aurora	
NMC 211168	HS #23	Aurora	
NMC 211169	HS #24	Aurora	



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NMC 211170	HS #25	Aurora	
NMC 211171	HS #26	Aurora	
NMC 211172	HS #27	Aurora	
NMC 211173	HS #28	Aurora	
NMC 211174	HS #29	Aurora	
NMC 211175	HS #30	Aurora	
NMC 211176	HS #48	Aurora	
NMC 211177	HS #49	Aurora	
NMC 211178	HS #50	Aurora	
NMC 211179	HS #51	Aurora	
NMC 211180	HS #52	Aurora	
NMC 211181	HS #53	Aurora	
NMC 211182	HS #54	Aurora	
NMC 211183	HS #55	Aurora	
NMC 211184	HS #56	Aurora	
NMC 211186	HS #58	Aurora	
NMC 211187	HS #60	Aurora	
NMC 211195	HS #91	Aurora	
NMC 211197	HS #93	Aurora	
NMC 211199	HS #95	Aurora	
NMC 211201	HS #97	Aurora	
NMC 211203	HS #99	Aurora	
NMC 817028	HS 11	LC	
NMC 817029	HS 13	LC	
NMC 817025	HS 5	LC	
NMC 817026	HS 7	LC	
NMC 817027	HS 9	LC	
NMC 221935	Inflation Fraction	Aurora	
NMC 55812	Juniata (Placer)	Aurora	
NMC 187848	Karen #1	Aurora	
NMC 187857	Karen #10	Aurora	
NMC 205378	Karen #10A	Aurora	
NMC 187858	Karen #11	Aurora	
NMC 187859	Karen #12	Aurora	
NMC 187860	Karen #13	Aurora	
NMC 187861	Karen #14	Aurora	
NMC 187862	Karen #15	Aurora	
NMC 187863	Karen #16	Aurora	
NMC 187864	Karen #17	Aurora	
NMC 205377	Karen #17 A	Aurora	
NMC 187865	Karen #18	Aurora	

NMC 187866	Karen #19	Aurora	
NMC 187849	Karen #2	Aurora	
NMC 211220	Karen #2 A	Aurora	
NMC 187867	Karen #20	Aurora	
NMC 187868	Karen #21	Aurora	
NMC 187869	Karen #22	Aurora	
NMC 187870	Karen #23	Aurora	
NMC 205376	Karen #23 A	Aurora	
NMC 187871	Karen #24	Aurora	
NMC 187872	Karen #25	Aurora	
NMC 187850	Karen #3	Aurora	
NMC 187851	Karen #4	Aurora	
NMC 187852	Karen #5	Aurora	
NMC 211221	Karen #5 A	Aurora	
NMC 211222	Karen #5 B Fraction	Aurora	
NMC 187853	Karen #6	Aurora	
NMC 187854	Karen #7	Aurora	
NMC 187855	Karen #8	Aurora	
NMC 187856	Karen #9	Aurora	
NMC 205379	Karen #9A	Aurora	
NMC 514160	LANGTRY EXTENSION LODGE	1.5% NSR to Mary D. and Kenneth D. McKeough until \$10,000 paid, then royalty terminates.	
NMC 514161	LANGTRY EXTENSION PLACER	1.5% NSR to Mary D. and Kenneth D. McKeough until \$10,000 paid, then royalty terminates.	
NMC 817024	LEANNE I	LC	
NMC 55813	Lucky Blunder	Aurora	
NMC 55815	Lucky Moon	Aurora	
NMC 55816	Lucky Star	Aurora	
NMC 292610	Marcia #1 Fraction	Aurora	
NMC 802288	Marcia #14	Aurora	
NMC 802289	Marcia #15	Aurora	
NMC 292621	Marcia #16 (Fraction)	Aurora	
NMC 292622	Marcia #17 (Fraction)	Aurora	
NMC 802290	Marcia #18	Aurora	
NMC 802291	Marcia #19	Aurora	
NMC 292611	Marcia #2 Fraction	Aurora	
NMC 802292	Marcia #20	Aurora	
NMC 292626	Marcia #21	Aurora	
NMC 802293	Marcia #22	Aurora	
NMC 802294	Marcia #23	Aurora	
NMC 292629	Marcia #24	Aurora	
NMC 292630	Marcia #25	Aurora	
NMC 292631	Marcia #26	Aurora	



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NMC 292632	Marcia #27	Aurora	
NMC 292633	Marcia #28	Aurora	
NMC 292634	Marcia #29	Aurora	
NMC 292612	Marcia #3 Fraction	Aurora	
NMC 292635	Marcia #30	Aurora	
NMC 292636	Marcia #31	Aurora	
NMC 292637	Marcia #32	Aurora	
NMC 292638	Marcia #33	Aurora	
NMC 292639	Marcia #34	Aurora	
NMC 292640	Marcia #35	Aurora	
NMC 292641	Marcia #36	Aurora	
NMC 292642	Marcia #37	Aurora	
NMC 292643	Marcia #38	Aurora	
NMC 292644	Marcia #39	Aurora	
NMC 292613	Marcia #4	Aurora	
NMC 292645	Marcia #40	Aurora	
NMC 292646	Marcia #41	Aurora	
NMC 292647	Marcia #42	Aurora	
NMC 292648	Marcia #43	Aurora	
NMC 200565	Marcia #45	Aurora	
NMC 292649	Marcia #48 Fraction	Aurora	
NMC 292614	Marcia #5	Aurora	
NMC 292615	Marcia #6	Aurora	
NMC 802285	Marcia #7	Aurora	
NMC 802286	Marcia #8	Aurora	
NMC 802287	Marcia #9	Aurora	
NMC 352736	Marla #1	Aurora	
NMC 435102	Marla #2	Aurora	
NMC 435103	Marla #3	Aurora	
NMC 435104	Marla #4	Aurora	
NMC 435105	Marla #5	Aurora	
NMC 435106	Marla #6	Aurora	
NMC 820137	MOCHA 1	LC	
NMC 820146	MOCHA 11	LC	
NMC 820147	MOCHA 12	LC	
NMC 820138	MOCHA 2	LC	
NMC 820139	MOCHA 3	LC	
NMC 820140	MOCHA 4	LC	
NMC 820141	MOCHA 5	LC	
NMC 820142	MOCHA 6	LC	
NMC 820143	MOCHA 7	LC	



NMC 820144	MOCHA 8	LC	
NMC 820145	MOCHA 9	LC	
NMC 55817	Moon Anchor	Aurora	
NMC 55818	Morning Glory	Aurora	
NMC 271047	New Esmeralda #1	Aurora	
NMC 271048	New Esmeralda #2	Aurora	
NMC 271049	New Esmeralda #3	Aurora	
NMC 271050	New Esmeralda #4	Aurora	
NMC 271051	New Esmeralda #5	Aurora	
NMC 271052	New Esmeralda #6	Aurora	
NMC 271053	New Esmeralda #7	Aurora	
NMC 271054	New Esmeralda #8	Aurora	
NMC 221937	New Juliet #1	Aurora	
NMC 55819	New Thought	Aurora	
NMC 817023	OLGA 1	LC	
NMC 55820	Petsite	Aurora	
NMC 55821	Philadelphia Fraction	Aurora	
NMC 784312	QTZ 1	2% NSR to Teck Resources Inc. up to \$250,000 at which time royalty is terminated.	
NMC 784321	QTZ 10	2% NSR to Teck Resources Inc. up to \$250,000 at which time royalty is terminated.	
NMC 784322	QTZ 11	2% NSR to Teck Resources Inc. up to \$250,000 at which time royalty is terminated.	
NMC 784323	QTZ 12	2% NSR to Teck Resources Inc. up to \$250,000 at which time royalty is terminated.	
NMC 784324	QTZ 13	2% NSR to Teck Resources Inc. up to \$250,000 at which time royalty is terminated.	
NMC 784325	QTZ 14	2% NSR to Teck Resources Inc. up to \$250,000 at which time royalty is terminated.	
NMC 784326	QTZ 15	2% NSR to Teck Resources Inc. up to \$250,000 at which time royalty is terminated.	
NMC 784327	QTZ 16	2% NSR to Teck Resources Inc. up to \$250,000 at which time royalty is terminated.	
NMC 784328	QTZ 17	2% NSR to Teck Resources Inc. up to \$250,000 at which time royalty is terminated.	
NMC 784329	QTZ 18	2% NSR to Teck Resources Inc. up to \$250,000 at which time royalty is terminated.	
NMC 784330	QTZ 19	2% NSR to Teck Resources Inc. up to \$250,000 at which time royalty is terminated.	
NMC 784313	QTZ 2	2% NSR to Teck Resources Inc. up to \$250,000 at which time royalty is terminated.	
NMC 784314	QTZ 3	2% NSR to Teck Resources Inc. up to \$250,000 at which time royalty is terminated.	
NMC 784315	QTZ 4	2% NSR to Teck Resources Inc. up to \$250,000 at which time royalty is terminated.	
NMC 784316	QTZ 5	2% NSR to Teck Resources Inc. up to \$250,000 at which time royalty is terminated.	
NMC 784317	QTZ 6	2% NSR to Teck Resources Inc. up to \$250,000 at which time royalty is terminated.	
NMC 784318	QTZ 7	2% NSR to Teck Resources Inc. up to \$250,000 at which time royalty is terminated.	
NMC 784319	QTZ 8	2% NSR to Teck Resources Inc. up to \$250,000 at which time royalty is terminated.	
NMC 784320	QTZ 9	2% NSR to Teck Resources Inc. up to \$250,000 at which time royalty is terminated.	
NMC 241430	Rambler Extension	Aurora	
NMC 221933	South Calaverite	Aurora	
NMC 55822	Sunset	Aurora	
NMC 55823	Sunset #1	Aurora	
NMC 55824	Sunset #2	Aurora	



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NMC 221938	Twins #1	Aurora	
NMC 221947	Twins #10	Aurora	
NMC 221939	Twins #2	Aurora	
NMC 221940	Twins #3	Aurora	
NMC 221941	Twins #4	Aurora	
NMC 221942	Twins #5	Aurora	
NMC 221943	Twins #6	Aurora	
NMC 221944	Twins #7	Aurora	
NMC 221945	Twins #8	Aurora	
NMC 221946	Twins #9	Aurora	

**Exhibit A Continued**

**Patented Claims, Other Real Estate, Other land and Personal Property**

Royalties are listed to the best of MVT's knowledge

Patented Claim Name	MS#	Patent No	APN #	
Alice C. Dennis Frac.	4310 A & B	768039	009-060-13	Aurora
Antelope	45		009-060-12	Aurora
Astor	4310 A	768039	009-060-13	Aurora
Aurora B	4271	646882	009-060-13	Aurora
Bald Eagle	39	93	009-060-18	5 % NSR to Yvonne J Winslow individually and as trustee under the Yvonne J. Winslow Living Trust (See Deed )
Banner Fleece	4067	409046	009-060-09	Aurora
Bell	2026	39391	009-060-13	Aurora
Belle Weather	4219a	561308	009-060-05	5 % NSR to Yvonne J Winslow individually and as trustee under the Yvonne J. Winslow Living Trust (See Deed )
Bertie	67	17804	009-060-13	Aurora
Bird	4271	646882	009-060-13	Aurora
Blackhawk	4220		009-060-20	Subject to an "Agreement" (07-06-1987). Among other things a 1 % NSR to J. P. Rogowski (Purchased from Intermountain Resources, Inc.)
Capital	1968	39389	009-060-09	Aurora
Chimpanzee	62		009-060-07	1.5% NSR to Mary D. and Kenneth D. McKeough until \$10,000 paid, then royalty terminates.
Clara	68	17805	009-060-13	Aurora
Clarence	4222		009-060-20	Subject to an "Agreement" (07-06-1987). Among other things a 1 % NSR to J. P. Rogowski (Purchased from Intermountain Resources, Inc.)
Cortez (Ancillary probate - Green estate)	46		009-060-02	Clifford M. Green estate needs ancillary probate in NV. Have covenant to cooperate and sell.
Curry No. 2	74	22217	009-090-03	Aurora - Possibly 2 % NSR Howard Hughes Corporation formerly Summa Corporation, et al
Deane	65	17802	009-060-13	Aurora
Durand	55	5081	009-060-13	Aurora
East Garibaldi	47		009-060-11	Aurora
East St. Claire	61	17799	009-060-12	Aurora
Eastern	4219 A	561308	009-060-13	Aurora
Eastern Millsite	4219 B	561308		Aurora
Elcanore	4269	586243	009-060-09	Aurora
Electric	1967	39389	009-060-13	Aurora
Emmie	4087		009-060-20	Subject to an "Agreement" (07-06-1987). Among other things a 1 % NSR to J. P. Rogowski (Purchased from Intermountain Resources, Inc.)
Empire	52		009-060-09	Aurora
Esmeralda	183		009-060-13	Aurora
Esmeralda; undivided 1/5 int. in 1/2 int. of S. 500'	53		009-060-07	1.5% NSR to Mary D. and Kenneth D. McKeough until \$10,000 paid, then royalty terminates.
Eureka	4307 A	652473	009-060-13	Aurora



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Eureka Mill Site	4307 B	652473	009-060-13	Aurora
Eva	407		009-060-12	Aurora
Evaluen	379	17803	009-060-13	Aurora
Gladiator	4220		009-060-20	Subject to an "Agreement" (07-06-1987). Among other things a 1 % NSR to J. P. Rogowski (Purchased from Intermountain Resources, Inc.)
Gladus	4310 A	768039	009-060-13	Aurora
Golden Age	51		009-060-09	Aurora
Good Hope	4087		009-060-20	Subject to an "Agreement" (07-06-1987). Among other things a 1 % NSR to J. P. Rogowski (Purchased for Intermountain Resources, Inc.)
Humboldt	59	5341	009-060-13	Aurora
Humboldt East	73	22217	009-090-03	Aurora - Possibly 2 % NSR Howard Hughes Corporation formerly Summa Corporation, et al
Humboldt Fraction	4271	646882	009-060-13	Aurora
Humboldt West	60	5340	009-060-13	Aurora
Interprice	4310 A	768039	009-060-13	Aurora
Interprice - SW1/2	4310 A	768039		Aurora
Juanita Extension	4286	613890	009-060-13	Aurora
Juniata	7, LOT 43A		009-060-10	Aurora
Kentucky	3941	296555	009-060-12	Aurora
Keystone Wedge	4087		009-060-20	Subject to an "Agreement" (07-06-1987). Among other things a 1 % NSR to J. P. Rogowski (Purchased from Intermountain Resources, Inc.)
Lady Jane (Ancillary probate, Green estate)	48		009-060-02	Clifford M. Green estate needs ancillary probate in NV. Have covenant to cooperate and sell.
Langtry	64		009-060-07	1.5% NSR to Mary D. and Kenneth D. McKeough until \$10,000 paid, then royalty terminates.
Last Chance	42	3158	009-060-13	Aurora
Liberty Bell	4219 A	561308	009-060-13	Aurora
Live Yankee	54	5084	009-060-21	From Jeanette L. Damonte & Daniel L. Wilson an Undivided 71/72 Interest
Lost Chance	4310 A	768309	009-060-13	Aurora
Lucky Sam	4087		009-060-20	Subject to an "Agreement" (07-06-1987). Among other things a 1 % NSR to J. P. Rogowski (Purchased from Intermountain Resources, Inc.)
Mangum	4219 A	561308	009-060-13	Aurora
Martinez No. 2	419, LOT 72		009-060-13	Aurora
Mary	4269	586243	009-060-09	Aurora
Mida	75	22217	009-090-03	Aurora - Possibly 2 % NSR Howard Hughes Corporation formerly Summa Corporation, et al
Monarch	4220	502795	009-060-19	5 % NSR to Yvonne J Winslow individually and as trustee under the Yvonne J. Winslow Living Trust (See Deed )
Motor	1968	39389	009-060-13	Aurora
Northern Bell	57	17372	009-060-13	Aurora
O.K.	4179		009-060-01	1% NSR to John R. Langford
Ophir	69	18358	009-060-12	Aurora
Philadelphia No. 2	41	225	009-060-13	Aurora
Philadelphia,	40	225	009-060-13	Aurora
Prospectus	56	16001	009-060-13	Aurora



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Provo	4219 A	561308	009-060-16	Aurora
Radical	37	91	009-060-18	5 % NSR to Yvonne J Winslow individually and as trustee under the Yvonne J. Winslow Living Trust (See Deed)
Rambler	4286	613890	009-060-09	Aurora
Revenue	4310 A	768039	009-060-13	Aurora
Ruth	4292		009-060-17	From Doyle & Maria Brook
Sand Lot	4056	436951	009-060-11	Aurora
Saul Smith Russell	2027	39391	009-060-13	Aurora
Seminole	4220	502795	009-060-19	5 % NSR to Yvonne J Winslow individually and as trustee under the Yvonne J. Winslow Living Trust (See Deed)
Silver Hill	4220		009-060-20	Subject to an "Agreement" (07-06-1987). Among other things a 1 % NSR to J. P. Rogowski (Purchased from Intermountain Resources, Inc.)
Sitting Bull	63	17801	009-060-21	From Jeanette L. Damonte & Daniel L. Wilson an Undivided 71/72 Interest
South End	4292	592992	009-060-12	Aurora
South Republic	4310 A	768039	009-060-13	Aurora
Southern	4219 A	561308	009-060-13	Aurora
Southern Mill Site	4310 B	768039	009-060-13	Aurora
Sovereign	4056	436951	009-060-13	Aurora
Spotted Tiger	38		009-060-20	Subject to an "Agreement" (07-06-1987). Among other things a 1 % NSR to J. P. Rogowski (Purchased from Intermountain Resources, Inc.)
Stuart - part (14.93 AC.)	4271	646882	009-060-13	Aurora
Stuart partial (5.13 AC.)	4271	646882	009-060-13	Aurora
Summit	4087	409048	009-060-19	5 % NSR to Yvonne J. Winslow individually and as trustee under the Yvonne J. Winslow Living Trust (See Deed)
Texas	3941	296555	009-060-12	Aurora
Thanksgiving	71		009-060-20	Subject to an "Agreement" (07-06-1987). Among other things a 1 % NSR to J. P. Rogowski (Purchased from Intermountain Resources, Inc.)
Victor	4271	646882	009-060-13	Aurora
Virginia	4221		009-060-20	Subject to an "Agreement" (07-06-1987). Among other things a 1 % NSR to J. P. Rogowski (Purchased from Intermountain Resources, Inc.)
W.Y.O.D.	3941		009-060-07	1.5% NSR to Mary D. and Kenneth D. McKeough until \$10,000 paid, then royalty terminates.
War Eagle	4162	556195	009-060-16	Aurora
West Slope	4087	409048	009-060-09	Aurora
Western	4219 A	561308	009-060-13	Aurora
Wyandott	4220		009-060-20	Subject to an "Agreement" (07-06-1987). Among other things a 1 % NSR to J. P. Rogowski (Purchased from Intermountain Resources, Inc.)
<b>Other Real Estate</b>				
Real Estate - Mill Building and Improvements			007-190-05	Aurora
Solid Waste Landfill			008-888-56	Aurora



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<b>Other Land</b>				
T5N, R28E, MDM, Section 36 (approx. 640 Acres)			007-190-20	From Real Del Monte Mining Corp/Bankruptcy
Aurora townsite lots 3,4,16 S.7: E1/2SE1/4, T5N, R28E S.8: SW1/4SW1/4, T5N, R28E S.17: Lots 7 & 12 in NE1/4, T5N, R28E Falling under the following parcel numbers and Property locations: T5N R28E S16 T5N R28E S16-17 T5N R28E S17 T5N R28E S17			007-190-45 007-190-46 007-190-47 007-190-48	Aurora
<b>Personal Property</b>				
Mobile Home - 1986 Moduler Office Trailer			MH 000845	Aurora - Nevada Goldfields
Mobile Home - 1979 Elder/Quinn/mcGill Serial # D57			MH 000846	Aurora -- Nevada Goldfields
Mobile Home - 1980 Atco Serial # 15205181			MH 000848	Aurora - Nevada Goldfields

EXHIBIT B  
to  
ASSET PURCHASE AGREEMENT effective November 30, 2008  
by and between  
METALLIC VENTURES (U.S.), INC. and ANTLER PEAK GOLD INC.

See attached list of Permits

Mineral County, Nevada

Permits		
Regulatory Body	NO.	Description
NDEP - Bureau of Air Quality	AP1041-2366	Class II Air Quality Operating Permit
NDEP-Bureau of Water Pollution Control - Storm Water Program	GNVR300000	General Storm Water Discharge Permit - SWPPP
NDEP-Bureau of Water Pollution Control - NPDES Discharge Permit	NV 0023345	Discharge of water from dewater, Martinez Mine and Well, Prospectus Mine and Well
NDEP - Bureau Mine Regulation & Reclamation	NEV87072	Water Pollution Control Permit (Presently in Renewal Process)
NDEP - Bureau Mine Regulation & Reclamation	GNV041995	Bioremediation Facility General Permit
NDEP - Bureau Mine Regulation & Reclamation - Reclamation Group	#0181	Reclamation Permit
NDEP - Bureau of Waste Management	Waiver No. SWMI-06-202	Class III Landfill Waiver - Prospectus & Martinez
Nevada State Health Division	MI-1096-04-JPL)A	Prospectus Mine Septic System
Nevada State Health Division	MI-1100-04-JPL)A	Martinez Mine Septic System
Nevada Division of Water Resources	J-478	Dam Safety Permit - Tailings Embankment
Nevada Department of Wildlife	#S29654	Industrial Artificial Pond Permit - Tailing Pond
Nevada State Fire Marshall	#50756-51666	Hazardous Material Storage Permit
Mineral County	Acct. 1111	Business License NOT TRANSFERABLE
US Forest Service	POO #02-00-03	Plan of Operations for Mining Operation
Mine Safety and Health Administration	2602235	Prospectus Mine and Mill Facilities
Mine Safety and Health Administration	2602517	Martinez Mine and Chesco Mine



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EXHIBIT C  
to  
ASSET PURCHASE AGREEMENT effective November 30, 2008  
by and between  
METALLIC VENTURES (U.S.), INC. and ANTLER PEAK GOLD INC.

See attached list of Water Rights and Financial Assurances

**Water Rights**

**Mineral County, Nevada**

Regulatory Body	NO.	Description
Nevada Division of Water Resources	11881	Water Right-Little Juniata Spring 18.11 acre feet/year - Certificate 3274
Nevada Division of Water Resources	12519	Water Right-Juniata Big Spring 1.44 acre feet/year - Certificate 4801
Nevada Division of Water Resources	45301	Water Right-Del Monte Mine Shaft 82.61 acre feet/year - Certificate 13962
Nevada Division of Water Resources	70735	Water Right-Prospectus Mine Portal 68.74 acre feet/year - Permit
Nevada Division of Water Resources	70736	Water Right-Prospectus Dewatering Well 199.50 acre feet/year - Permit
Nevada Division of Water Resources	70737	Water Right-Martinez Mine Portal 15.44 acre/feet - Permit
Nevada Division of Water Resources	70738	Water Right-Martinez Dewatering Well 135.03 acre feet/year - Permit
Nevada Division of Water Resources	70739	Water Right- Martinez Dewatering Well 50.22 acre feet/year - Permit
Nevada Division of Water Resources	70740	Water Right-Prospectus Dewatering Well 362.00 acre feet/year - Permit
Nevada Division of Water Resources	70741	Water Right-Prospectus Well 0.00 acre feet/year - Ready for Action
Nevada Division of Water Resources	70742	Water Right-Martinez Well 0.00 acre feet/year - Ready for Action

**Bonding To Be Substituted by Antler Peak Gold Inc.**

Mineral County, Nevada		
Description	Amount	
Cash Surety for Esmeralda Mine		
Held by State of Nevada Department of Conservation & Natural Resources		
Division of Environmental Protections		
Permit Number #0181	\$ 777,728.00	
Cash Bonding in Place for Esmeralda Mine		
Nine Month Certificate of Deposit		
Held by Bank of America		
For United States Department of Agriculture		
Forest Service		
Permit Number #P00 02-00-03	\$ 305,000.00	
<b>Total Amount</b>	<b>\$ 1,082,728.00</b>	



DOC #  
147461

12/16/2008

General County - NV  
Christine Hoferer - Recorder

**ASSESSOR PARCEL  
NUMBERS**

007-190-05  
007-190-20  
007-190-45  
007-190-46  
007-190-47  
007-190-48  
008-888-56  
009-060-01  
009-060-02  
009-060-05  
009-060-07  
009-060-09  
009-060-10  
009-060-11  
009-060-12  
009-060-13  
009-060-16  
009-060-17  
009-060-18  
009-060-19  
009-060-20  
009-060-21  
009-090-03

**MOBILE HOMES**

MH 000845  
MH 000846  
MH000848

1                                   **IN THE UNITED STATES DISTRICT COURT**  
2                                   **FOR THE DISTRICT OF NEVADA**

3           UNITED STATES OF AMERICA,

4                           Plaintiff,

5           WALKER RIVER PAIUTE TRIBE,

6                           Plaintiff-Intervenor,

7   IN EQUITY NO. 73CV-127

8                           vs.

9   SUBFILE NO. 73CV-127-B

10          WALKER RIVER IRRIGATION DISTRICT,  
            a corporation, et al.,

11                           Defendants.

12  
13                                   **NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE**

14           1.     I hereby enter my appearance as attorney for Antler Peak Gold Inc., a  
15           Nevada corporation ("Antler Peak"), in this sub-proceeding in this case.

16           2.     I am filing this document with the District Court at the following address  
17           and as directed on the Notice in Lieu of Summons:

18                           Chief Deputy Clerk  
19                           United States District Court for the  
20                           District of Nevada  
21                           400 South Virginia Street, Suite 301  
                            Reno, Nevada 89501

22           3.     I am mailing a certified, return requested copy of this document to:

23                           Susan L. Schneider  
24                           U. S. Department of Justice  
25                           Environment & Natural Resources Division  
26                           1961 Stout Street, 8th Floor  
                            Denver, Colorado 80294

1           4.     Antler Peak will retain all defenses or objections to the lawsuit or to the  
2 jurisdiction or venue of the court except for objections based on a defect in the Notice in  
3 Lieu of Summons or in the service of the Notice in Lieu of Summons.

4           5.     Antler Peak has retained the following attorney to represent it in these  
5 proceedings. The name, mailing address, telephone number, facsimile number, and e-mail  
6 address of the attorney are as follows:

7                     Richard W. Harris, Esq.  
8                     Harris & Thompson  
9                     6121 Lakeside Drive, Suite 260  
10                    Reno, Nevada 89511  
11                    Telephone: (775) 825-4300  
12                    Facsimile: (775) 825-4829  
13                    E-mail: [rharris@gbis.com](mailto:rharris@gbis.com)

14                 DATED this 18th day of March, 2009.

15                                     HARRIS & THOMPSON

16                                     By Richard W. Harris  
17                                     RICHARD W. HARRIS,  
18                                     Attorney for Antler Peak Gold Inc.

19     Antler peak gold/7349/walker river irrigation litigation  
20     Notice of appearance & intent to participate

**CERTIFICATE OF SERVICE**

I certify that I am an employee of Harris & Thompson, and on the 19th day of March, 2009, the following persons were served with a copy of the "NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE" by electronic mail, according to U.S. District Court, D., Nevada., Electronic Filing Procedures (rev. August 24, 2006) at I.C. Susan L. Schneider was also served by United States certified mail, return receipt requested.

**Attorney for the United States**  
**CORRECT ADDRESS 2-09**

Susan L. Schneider  
U.S. Department of Justice  
Environment & Natural Resources  
Division  
1961 Stout Street, 8th Floor  
Denver, Colorado 80294

**Attorney for the**  
**Walker River Paiute Tribe**

Wes Williams, Jr., Esq.  
Law Offices of Wes Williams, Jr.  
P.O. Box 100  
Schurz, Nevada 89427

**Attorney for the**  
**State of California**

Michael W. Neville, Esq.  
Deputy Attorney General  
California Attorney General's Office  
455 Golden Gate Avenue, Suite 11000  
San Francisco, California 94102-3664

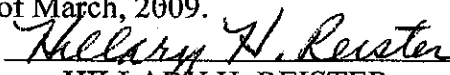
**Attorneys for the Walker River**  
**Irrigation District**

Gordon DePaoli, Esq.  
Dale Ferguson, Esq.  
Woodburn and Wedge  
6100 Neil Road, Suite 500  
Reno, Nevada 89511

**Attorney for the State of Nevada**

Marta Adams, Esq.  
Senior Deputy Attorney General  
Conservation Section  
100 N. Carson Street  
Carson City, Nevada

DATED this 18th day of March, 2009.

  
HILLARY H. REISTER

FILE

90-6-2-86

CIS (letter only)



1100 17th St. S.  
DENVER, CO

Davis Graham & Stubbs LLP

07 AUG 16 AM 9:11

August 15, 2007

Susan L. Schneider, Esq.  
United States Department of Justice  
1961 Stout Street  
Denver, CO 80294

Re: United States v. Walker River Irrigation District, No. C-125-B  
Status of Water Rights in Walker River Basin, Mason Valley Sub-Basin

Dear Ms. Schneider:

This letter follows my August 29, 2003 correspondence to you on behalf of Atlantic Richfield Company ("Atlantic Richfield") and others concerning the above referenced case. In that letter, which was accompanied by a Waiver of Service signed by me on behalf Atlantic Richfield, we informed you that Atlantic Richfield was reviewing records to assess whether Atlantic Richfield, Anaconda Minerals Company ("Anaconda") and Applied Hydrology Associates, Inc. ("Applied Hydrology") own any water rights implicated in this adjudication and whether these three entities are appropriate counterdefendants in this litigation. Since the date of that letter, the Court has dismissed Applied Hydrology from this action, and determined that service upon Anaconda and Atlantic Richfield is complete. *See Order Concerning First Report of United States of America Concerning Status of Service on Certain Persons and Entities*, December 1, 2004.

As a result of the United States' claims on behalf of the Walker River Paute Tribe to priority water rights in the Walker River Basin, all claimants to water of the Walker River and its tributaries, including groundwater, have been designated as counterdefendants in this case. As I understand the April 18, 2000 Case Management Order ("CMO"), counterdefendant categories include: (1) all holders of permits or certificates "to pump groundwater" issued by the State of Nevada within Sub-Basin 108 (Mason Valley); and (2) all holders of "vested rights" to the use of groundwater under the laws of the State of Nevada within the Walker River Basin.

We have reviewed the Nevada Department of Conservation and Natural Resources, Division of Water Resources ("DWR") online Water Rights Database, Well Driller Log Database and Title Database pertaining to wells located in the Walker River Basin, Mason Valley Sub-Basin, as those wells relate to Anaconda, Atlantic Richfield and ARCO Environmental Remediation, LLC ("AERL"). Exhibit A to this letter summarizes information compiled from the DWR Databases and from well related documents. Exhibit B provides relevant entries in DWR's Well Log Database. Exhibits C through F contain collections of supporting well related records pertaining to Anaconda, Atlantic Richfield and AERL.

William J. Duffy, 303 892 7372, william.duffy@dgsllaw.com

Susan L. Schneider, Esq.  
August 15, 2007  
Page 2

Based on database information and records examined, we represent the following facts on behalf of Atlantic Richfield and AERL:

- Anaconda is a predecessor to Atlantic Richfield that is no longer in existence, even though it is identified in the DWR Well Log Database as the owner of several wells located in the Mason Valley Sub-Basin. See Exhibits A, B and C. Twelve of these wells consist of monitoring wells and abandoned test holes. Pursuant to State of Nevada regulations concerning vested water rights, appropriation of public waters, and underground water and wells (Nevada Admin. Code 533.010 *et seq.*, and 534.010 *et seq.*), monitoring wells which do not remove groundwater and are installed to comply with federal and state environmental requirements do not result in an appropriation of groundwater. Therefore, these monitoring wells do not represent vested groundwater rights in Walker River Basin that are subject to this litigation.

Anaconda is also identified as the owner of several production wells under permit and certification, as delineated in Exhibit A and documented in Exhibit C. Anaconda also applied for and received Permits Nos. 49222 and 49223 from the Nevada State Engineer, dated December 16, 1985, to appropriate groundwater in Mason Valley Sub-Basin from five production wells (PW-01, PW-02, PW-03, PW-04 and PW-05). However, Atlantic Richfield is identified as the official current owner of these wells, which are used for remedial purposes at the Yerington Mine Site. See Exhibit F. DWR's Databases and the well records demonstrate that all the production wells Anaconda once owned are now owned by other parties (e.g., Arimetco, LTR Enterprises, Tibbals and Dye), with the exception of three proposed production wells (Log Nos. 12835, 12836 and 15466) that Anaconda drilled in 1972 and 1976. See Exhibit A. However, there is no indication from the DWR Databases or well related records that permits or certificates were ever obtained for these three wells or that Anaconda, AERL or Atlantic Richfield ever actually put these well into production.

- "Mark Flickinger ARCO" is identified in DWR's Well Log Database and in well records as owning six monitoring wells in Mason Valley Sub-Basin. See Exhibits A and D. Mr. Flickinger is a former employee of Atlantic Richfield, and Atlantic Richfield should be appropriately identified as the current owner of these wells. Relevant to the lawsuit, these wells are used strictly for monitoring related to the Yerington Mine remediation project and have no consumptive uses of groundwater. Therefore, as with the Anaconda monitoring wells, these wells are not implicated in this case.
- AERL is identified in DWR's Databases and the well records as the owner of wells subject to Permit Nos. 64498-E and 64499-E (no certificates have been issued for these wells). See Exhibits A and E. The Nevada State Engineer issued Permit Nos.

Susan L. Schneider, Esq.  
August 15, 2007  
Page 3

64498-E and 64499-E to AERL for appropriation of groundwater in Mason Valley Sub-Basin from six production wells (PW-06, PW-07, PW-08, PW-09, PW-10 and PW-11). These wells are currently used in association with the Yerington Mine remediation project. AERL owns no other groundwater pumping wells or vested water rights of record in Walker Basin, Mason Valley Sub-Basin.

- Atlantic Richfield is identified in DWR's Databases and the well records as the owner of wells subject to Permit Nos. 49222 and 49223 (no certificates have been issued for these wells). See Exhibits A and F. These wells are active and used in association with the Yerington Mine remediation project. Atlantic Richfield is not aware of any other groundwater pumping wells or vested water rights of record owned by Atlantic Richfield in Walker Basin, Mason Valley Sub-Basin.

Given that Anaconda no longer exists as a corporate entity, and that any wells Anaconda drilled and owned in Walker Basin, Mason Valley Sub-Basin are: (1) now owned by third parties, including Atlantic Richfield and AERL; (2) are not now or have ever been used for production after completion; (3) or are not groundwater pumping wells implicated in this case, I believe it is appropriate that the United States dismiss Anaconda as a counterdefendant. Atlantic Richfield and AERL are the real parties in interest under permits issued by the State of Nevada to pump groundwater from Walker Basin, Mason Valley Sub-Basin. Thus, Atlantic Richfield and AERL are proper counterdefendants in this litigation, under the April 18, 2000 CMO guidelines. Atlantic Richfield and AERL are prepared to accept the Court's further rulings in this matter, and we will consider appropriate stipulations to facilitate resolution of the litigation.

Please contact me or Steve Marlin of my office to discuss any issues raised by this letter, or the enclosures or any other issues related to this litigation. Steve may be contacted at (303) 892-7205. We look forward to speaking with you at your convenience when you have considered the matters addressed above and the enclosures.

Sincerely,



William J. Duffy

for

DAVIS GRAHAM & STUBBS LLP

Enclosures

cc: Todd Normane, Esq., Atlantic Richfield  
Roy Thun, Atlantic Richfield  
Steven Marlin, Davis Graham & Stubbs LLP



Division #: 2

WALKER RIVER IRRIGATION DISTRICT  
YERINGTON, NEVADA

Card #: 2298

Name: Betty Reed Bear Trust

Betty Reed Bear, Trustee

Address: 500 Commercial St.

Elko, NV 89801

O. &amp; M. Local No. 3

Index No. 95

Lyon County No. 4-062-03

Claim No. Pl. of 45

User # 2642

Ditch Fox

Court Decree: C-125, P.25; Fox Ditch Company

PRIORITY	C.F.S.	ACRES	FACTOR	DAYS STORAGE	ACRE FEET REQUIRED PER ACRE	ACRE FEET TOTAL	ACRE FEET APPORTIONED	TOTAL RES. ACRE FEET	BRIDGEPORT RES. ACRE FEET	CLAIM #	TOTAL ACRES
1865	.001	.080	3.2076	0		.000				45	.290
1870	.001	.080	3.2076	0		.000				45	.290
1875	.001	.060	3.2076	8	0.1901	.012				45	.000
1880	.001	.030	3.2076	25	0.594	.018				45	
1885	.008	.020	3.2076	29	0.689	.010				45	
1890	.000	.010	3.2076	30	0.7128	.005				45	
1895	.000	.010	3.2076	32	0.7603	.006				45	
TOTAL	.004	.290				.061	.05	.00	.05		.050

## LEGAL DESCRIPTION:

F.N 1/2 of NE 1/4, Sec. 27;  
T 13 N, R 25 E.

## COMMENTS:

\*\*\*PROVISIONAL\*\*\*  
 04/24/04 - Transferred from card #24460 - Hunewill Enterprises LLC  
 11/28/04 - Transferred from card #7648 - Carpenter Nevada, LLC  
 04/15/05 - 1/2 of Yerington Annexation Phase 1 - changed APN  
 0061-15 to 1-481-01  
 02/26/07 - Transferred from card #10760 - Cottonwood Property  
 Acquisition, LLC  
 02/26/07 - Transferred from card #10759 - Cottonwood Property

## DOCUMENT HISTORY:

DOCUMENT #	DATE	DESCRIPTION
#42521	02/19/62	Goldie Hickey to Ray & Viola Diehl.
#4397	04/04/66	Ray & Viola Diehl to Oscar Ivey.
#49567	12/15/66	Oscar Ivey to N. & M.S. Wallace.
#14623	02/08/77	Margaret Wallace to R.C. Food Center, Inc.
#63132	03/31/80	R.C. Food Center, Inc. to Dino & Winnifred Ricci and Arnold Page.
#132071	01/27/89	Dino & Winnifred Ricci and Arnold Page to Hunewill Enterprises.
#164448	07/31/95	Hunewill Enterprises, a general Partnership to Hunewill Enterprises Limited Liability Company, a Nevada limited liability company.
#29152	03/30/01	Hunewill Enterprises Limited Liability Company, a Nevada limited liability company to Carpenter Nevada, LLC, a Nevada limited liability company.
#33318	09/20/04	Carpenter Nevada, LLC, a Nevada Limited Liability Company to Cottonwood Property Acquisition, LLC, a Nevada Limited Liability Company.
#198701	01/11/07	Parcel Map for Cottonwood Property Acquisition
#1111111	12/26/07	Split parcels from card #10759 - Cottonwood Property Acquisition, LLC to correct water rights



**State of Nevada - Division of Water Resources**

901 S. Stewart Street  
 2nd Floor  
 Carson City, NV 89701


GUNN AND ASSOCIATES  
 REAL ESTATE INC  
 PO BOX 1449  
 FERNLEY NV 89408

**Receipt**

		Payment Method	Check No.	Receipt #
		Check	1341	220353
Date	Item	Description		Amount
12/3/2007	DEEDS - PERMIT COVERS DEEDS	DEED FILING FEE - PERMIT # 61207 AND 61208 COVERS ALL DEEDS LISTED ABOVE		70.00 0.00
Received by: Sue Cox		<b>Total</b>		\$70.00

*SC*

9 - 108

T E M		State of Nevada REPORT OF CONVEYANCE of a water right to Department of Conservation and Natural Resources, Division of Water Resources, Office of the State Engineer		Nov-05
1	APPLICATION / PERMIT No.	61207	PROOF, or CLAIM No.:	STATUS: CERT USE: IND.
2	CURRENT HOLDER(S) SHOWN BY THE STATE ENGINEER:	O'SULLIVAN PLASTICS CORPORATION		
If any item requires additional space, please use Item 15 Remarks; or attach 8 1/2" X 11" sheets referencing appropriate item number.				
3	NEW HOLDER(S) or BENEFICIARY(S):	J. R. BENTON CO LLC. AN ALABAMA LIMITED LIABILITY CO.		
	ADDRESS:	2171 ALABAMA HIGHWAY 229		
	CITY:	TALLASSEE	STATE:	AL
		ZIP CODE:	36078	PHONE: (334)-283-6578
4	INVENTORY DOCUMENTS BY CATEGORY AND NUMBER OF EACH IN CHAIN OF TITLE.		See Guidelines Page 2	
	DEED(S).....	<input checked="" type="checkbox"/>	CORRECTION DEED(S).....	<input type="checkbox"/>
	DEED(S) OF TRUST.....	<input type="checkbox"/>	RECONVEYANCE.....at no charge	<input type="checkbox"/>
	NOTICE(S) OF PLEDGE.....	<input type="checkbox"/>	MAP(S) at no charge.....	<input type="checkbox"/>
	DEATH CERTIFICATES.....	<input type="checkbox"/>	AFF OF ID at no charge.....	<input type="checkbox"/>
	DECREE(S) OF DISTR.....	<input type="checkbox"/>	OTHER:	<input type="checkbox"/>
			TOTAL NUMBER OF SS DOCUMENTS = >	<input type="checkbox"/>
			TOTAL # X \$10 each =	\$10.00
			Report filing fee = \$25.00	\$25.00
			TOTAL FEES SUBMITTED*	\$35.00
5	*ONE, ONE-TIME \$25 FILING FEE MUST ACCOMPANY THESE REPORT(S) +\$10 PER CONVEYANCE DOCUMENT LISTED ABOVE.			
6	This REPORT requires an ABSTRACT OF TITLE listing the above documents in chronological order, from the current holder(s) of record (ITEM 2) with the Division of Water Resources, Office of the State Engineer, to the proposed, new holder(s) of record (ITEM 3). Document(s) must be recorded in the Office(s) of the respective County Recorder(s). If the legal description on any deed(s) refer(s) to a subdivision lot or parcel or assessor's parcel number, or lists any deviation(s) different than the place of use in a Quarter/Quarter/Section/Township/Range format, a copy of the map referred to in said deed(s) is required. Copies of maps should be 8 1/2" x 11" or 11" x 17". Please refer to Guidelines sheet for details.			
7	LIST SUPPLEMENTAL RIGHTS:			
8	COUNTY: POINT OF DIVERSION:	LYON	COUNTY: PLACE(S) OF USE:	14-081-09
9	PLACE(S) OF USE: Qtr. 51E	Qtr. 51W	Sec. 21	TWNSH 15 RANGE 25 APN: 4-31-01 4 04
10	AMOUNT (DUTIES) TO BE ASSIGNED:	0.08	CFS	8.96
11	DOES THE CURRENT HOLDER INTEND TO RETAIN ANY PORTION OF THE WATER RIGHT?		YES	NO <input checked="" type="checkbox"/>
12	IS AN APPLICATION TO CHANGE THE P.O.D, P.O.U., OR M.O.U. OF THIS RIGHT TO BE FILED?		YES	NO
13	IF AN APPLICATION TO CHANGE THE P.O.D, P.O.U., OR M.O.U. IS ALREADY FILED, INDICATE THE NUMBER:			
14	List any other water rights relating to this Report of Conveyance that has been filed using this same abstract and chain of title.			
15	Additional Space/Remarks:			
16	"I swear, under penalty of perjury, that this represents a complete and thorough search of the records of the county recorder of each county in which the water is placed to beneficial use or diverted from its natural source and the records on file in the office of the state engineer."			
	SUBSCRIBED AND SWORN TO	SIGNATURE: <u>Tom Gunn</u>		
	BEFORE ME THIS 30 DAY OF	PRINT NAME: <u>TOM GUNN</u>		
	Mo. November Yr. 2007	MAILING ADDRESS: <u>PO Box 1449</u>		
	(SS) <u>Shoode</u>	FIRM NAME: <u>Gunn &amp; Associates Real Estate Inc.</u>		
	NOTARY PUBLIC IN AND FOR THE	CITY: <u>FERNLEY</u> STATE: <u>NV</u> ZIP CODE: <u>89408</u>		
	COUNTY OF <u>N Lyon</u>	PHONE: <u>343-0200</u>		
	STATE OF <u>NEVADA</u>	OWNER?: <input checked="" type="checkbox"/>		
	MY COMMISSION EXPIRE <u>10-10-09</u>	AGENT?: <input checked="" type="checkbox"/>		
				
	NOTARY STAMP			
	THIS DOUBLE SIDED FORM CAN BE COPIED ONTO GREEN PAPER ONLY.			

# ABSTRACT OF TITLE

DEED NO.	GRANTOR	GRANTEE	CFS	AFA/AFS MGA/MGS	ACRES or Units	This column for office use only		DOC #	DOCUMENT DESCRIPTION/REMARKS
						FILED UNDER DATE	DATE		
1	O'SULLIVAN PLASTICS CORPORATION	T.R. BENTON & LLE	0.08	8.96				371594	DEED
2								12/27/06	
3									
4									
5									
6									
7									
8									

Type or print in black ink

Permit/Proof No. 61287  
Page      of      pages



**GUNN & ASSOCIATES**

REAL ESTATE, INC.

Tom Gunn - Broker

Jerry Brinkerhoff - Realtor Associate

P.O. Box 1449

Fernley, Nevada 89408

Website: [www.NevadaFarmland.com](http://www.NevadaFarmland.com)

Email: [NevadaFarmland@aol.com](mailto:NevadaFarmland@aol.com)

RECEIVED

2007 DEC -3 AM 11:45

STATE ENGINEERS OFFICE Fax: (775) 343-0202

Office: (775) 343-0200

10/25/2007

State of Nevada  
Division of Water Resources  
Attn: Tracy Taylor, State Engineer  
901 S. Stewart, Suite 202  
Carson City, NV 89701

Re: Permit Numbers 61207; 61208

Dear Mr. Taylor:

Enclosed please find Reports of Conveyance and associated documents and fees for the above referenced permits.

Please place my name and address on this file to be notified of all correspondence.

Thank you.

Sincerely,

Tom Gunn, Broker

Gunn & Associates Real Estate, Inc.

DOC # 371594

12/27/2005 04:22 PM

**Official Record**Requested By  
TITLE SERVICE & ESCROWLyon County - NV  
Mary C. Milligan - RecorderPage 1 of 7 Fee: \$45.00  
Recorded By: KR RPTT: \$5,265.00

0371594

A. P. No. 4-031-01, 4-031-04,  
14-081-09

R.P.T.T. \$5,265.00

No. 182212-MM

When recorded mail to:J.R. Benton Co., LLC  
2171 Alabama Hwy 229  
Tallassee, AL 36078

TSL-29401

Mail tax statements to:

Same as above

## DEED

THIS INDENTURE WITNESSETH: That O'SULLIVAN PLASTICS CORPORATION, a Nevada corporation, successor to MAINLINE VINYL SHEETING CORPORATION, by Certificate of Name Change filed in the Office of the Secretary of State of the State of Nevada on January 7, 1985 (as to Parcel A), and O'SULLIVAN PLASTICS CORPORATION, a Nevada corporation (as to Parcels B and C) (collectively, "Grantor"), in consideration of the sum of Ten Dollars (\$10.00), the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey, without covenants or warranties express or implied, except as hereinafter expressly set forth, to J. R. BENTON CO., L.L.C., an Alabama limited liability company ("Grantee"), whose address is: 2171 Alabama Highway 229, Tallassee, Alabama 36078, all that real

property situate in the County of Lyon, State of Nevada,  
described as follows:

SEE EXHIBIT "A" ATTACHED HERETO.

TOGETHER WITH all and singular the tenements, hereditaments  
and appurtenances thereunto belonging or in anywise  
appertaining.

Grantor covenants with Grantee, that Grantor has done  
nothing to impair such title as Grantor received, and Grantor  
will warrant and defend the title against the lawful claims of  
all persons claiming by, under or through Grantor, except for  
the following:

1. zoning ordinances and building codes and regulations,  
if any;
2. real estate taxes and assessments, both general and  
special, not yet due and payable; and
3. all restrictions, reservations, easements and  
encumbrances or other matters of record.

FURTHER, Grantor, in consideration of the sum of Ten  
Dollars (\$10.00), the receipt of which is hereby acknowledged,  
does hereby remise, release and forever quitclaim to Grantee,  
its successors and assigns, the following:

12/27/2005  
03:57

1. Permit No. 61208, as registered with the State of Nevada, Division of Water Resources, all as more fully described on that certain Certificate of Appropriation of Water dated April 20, 1998 and attached hereto as Exhibit "B" and incorporated herein by this reference.

2. Permit No. 61207, as registered with the State of Nevada, Division of Water Resources, all as more fully described on that certain Certificate of Appropriation of Water dated April 20, 1998 and attached hereto as Exhibit "C" attached hereto and incorporated herein by this reference.

DATED December 23<sup>RD</sup>, 2005.

O'SULLIVAN PLASTICS CORPORATION, a  
Nevada corporation

By Woodrow Ben

Its Secretary

STATE OF Ohio )  
COUNTY OF Cuyahoga ) ss

This instrument was acknowledged before me on  
December 23, 2005, by Woodrow Ben, as  
Secretary of/for O'SULLIVAN PLASTICS CORPORATION.

Tommie Robertson  
Notary Public

Tommie Robertson  
Notary Public, State of Ohio  
My Commission Expires March 30, 2009

State of Nevada

Nov-05

T  
E  
M

## REPORT OF CONVEYANCE

of a water right to

Department of Conservation and Natural Resources, Division of Water Resources, Office of the State Engineer

1 APPLICATION / PERMIT No. 61208 PROOF, or CLAIM No.: \_\_\_\_\_ STATUS: CERT USE: INN

2 CURRENT HOLDER(S) SHOWN BY THE STATE ENGINEER:

O'SULLIVAN PLASTICS CORPORATION

If any item requires additional space, please use Item 15 Remarks; or attach 8 1/2" X 11" sheets referencing appropriate item number.

3 NEW HOLDER(S) or BENEFICIARY(S): J.R. BENTON CO L.L.C. AN ALABAMALIMITED LIABILITY Co.ADDRESS: 2171 ALABAMA HIGHWAY 229 (334)CITY: TALLASSEE STATE: AL ZIP CODE: 36078 PHONE: 283-6578

4 INVENTORY DOCUMENTS BY CATEGORY AND NUMBER OF EACH IN CHAIN OF TITLE. See Guidelines Page 2

DEED(S).....	<input type="checkbox"/>	CORRECTION DEED(S).....	<input type="checkbox"/>	OTHER:	<input type="checkbox"/>
DEED(S) OF TRUST.....	<input type="checkbox"/>	RECONVEYANCE...at no charge	<input type="checkbox"/>	TOTAL NUMBER OF SS DOCUMENTS =>	<input type="checkbox"/>
NOTICE(S) OF PLEDGE.....	<input type="checkbox"/>	MAP(S) at no charge.....	<input type="checkbox"/>	TOTAL # X \$10 each =	\$ 10 .00
DEATH CERTIFICATES.....	<input type="checkbox"/>	AFF OF ID at no charge.....	<input type="checkbox"/>	Report filing fee = \$25.00	\$ 25 .00
DECREE(S) OF DISTR.....	<input type="checkbox"/>	OTHER:	<input type="checkbox"/>	TOTAL FEES SUBMITTED*	\$ 35 .00

5 \*ONE, ONE-TIME \$25 FILING FEE MUST ACCOMPANY THESE REPORT(S) +\$10 PER CONVEYANCE DOCUMENT LISTED ABOVE.

6 This REPORT requires an ABSTRACT OF TITLE listing the above documents in chronological order, from the current holder(s) of record (ITEM 2) with the Division of Water Resources, Office of the State Engineer, to the proposed, new holder(s) of record (ITEM 3). Document(s) must be recorded in the Office(s) of the respective County Recorder(s).

If the legal description on any deed(s) refer(s) to a subdivision lot or parcel or assessor's parcel number, or lists any deviation(s) different than the place of use in a Quarter/Quarter/Section/Township/Range format, a copy of the map referred to in said deed(s) is required. Copies of maps should be 8 1/2" x 11" or 11" x 17". Please refer to Guidelines sheet for details.

7 LIST SUPPLEMENTAL RIGHTS:

8 COUNTY: POINT OF DIVERSION: LYON COUNTY: PLACE(S) OF USE:9 PLACE(S) OF USE: Qtr. 5/W Qtr. 2/W Sec. 22 TWSHP 15 RANGE 25 APN: 14-031-0910 AMOUNT (DUTIES) TO BE ASSIGNED: 0.10 CFS 8.96 ACRE-FEET or MGA 4-031-09 + 04 ACRES or UNITS11 DOES THE CURRENT HOLDER INTEND TO RETAIN ANY PORTION OF THE WATER RIGHT? YES ☐ NO ☒12 IS AN APPLICATION TO CHANGE THE P.O.D, P.O.U., OR M.O.U. OF THIS RIGHT TO BE FILED? YES ☐ NO ☐

13 IF AN APPLICATION TO CHANGE THE P.O.D, P.O.U., OR M.O.U. IS ALREADY FILED, INDICATE THE NUMBER: \_\_\_\_\_

14 List any other water rights relating to this Report of Conveyance that has been filed using this same abstract and chain of title.

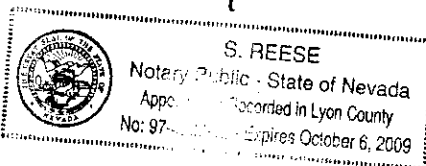
15 Additional Space/Remarks:

16 "I swear, under penalty of perjury, that this represents a complete and thorough search of the records of the county recorder of each county in which the water is placed to beneficial use or diverted from its natural source and the records on file in the office of the state engineer."

SUBSCRIBED AND SWORN TO

BEFORE ME THIS 30<sup>th</sup> DAY OFMo. November Yr. 2007(SS) S. Reese  
Notary Signature Required

NOTARY PUBLIC IN AND FOR THE

COUNTY OF LYONSTATE OF NEVADAMY COMMISSION EXPIRE 10-6-2009SIGNATURE: [Signature]PRINT NAME: TOM GUNNMAILING ADDRESS: PO BOX 1449FIRM NAME: GUNN & ASSOCIATES REAL ESTATE INC.CITY: FERNLEY STATE: NV ZIP CODE: 89408PHONE: 343-0200OWNER?: ☒AGENT?: ☒

NOTARY STAMP

THIS DOUBLE SIDED FORM CAN BE COPIED ONTO GREEN PAPER ONLY.



